DOCUMENT RESUME

ED 460 138 TM 033 523

TITLE	Study of Possible Expansion of the Assessment System for Limited English Proficient Students. A Report to the 77th Texas Legislature from the Texas Education Agency, December 1, 2000. Submitted to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and the Members of the Seventy-Seventh Texas Legislature.
INSTITUTION	Texas Education Agency, Austin.
REPORT NO	TEA-AD01-212-01
PUB DATE	2000-12-01
NOTE	69p.; Study conducted by Beck Evaluation & Testing Associates, Inc. (BETA).
AVAILABLE FROM	For full text: http://www.tea.state.tx.us/student.assessment.
PUB TYPE	Reports - Research (143)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	*Achievement Tests; Junior High Schools; *Limited English Speaking; Needs Assessment; Spanish; *State Programs; Student Evaluation; *Test Use; *Testing Programs
IDENTIFIERS	*Texas; Texas Assessment of Academic Skills

ABSTRACT

The Texas Education Code required the commissioner of education to conduct a study to determine the need to expand the assessment system to include the assessment in grades 7 and 8 of limited English proficient (LEP) students whose primary language is Spanish and other students of limited English proficiency. This report presents the research activities that were conducted and the findings of the study. The need to expand or modify the assessment system for LEP students was considered not only in view of the current assessment requirements but also in light of the more rigorous assessment system mandated by the 76th Texas legislature for the future. The study included a literature review, a national advisory panel of 8 experts, 6 regional focus group meetings, a statewide survey of more than 5,500 interested parties, discussions at conferences, and interviews with 11 policymakers, stakeholders, and educators. A cost-benefit analysis was also conducted. Recommendations based on the study findings are that the Spanish version of the Texas Assessment of Academic Skills (TAAS) be continued at grades 3 through 6 but not expanded to higher grades and that the law that limits the exemption of LEP from the TAAS to 1 year be reconsidered, with performance on the reading proficiency tests in English the determining factor for measuring TAAS readiness. Nine appendixes include additional information about the study and its background data. (Contains 7 exhibits and 56 references.) (SLD)

Reproductions supplied by EDRS are the best that can be made
from the original document.

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)
✓ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

ED 460 138

STUDY OF POSSIBLE EXPANSION OF THE ASSESSMENT SYSTEM FOR LIMITED ENGLISH PROFICIENT STUDENTS

A Report to the 77th Texas Legislature from the Texas Education Agency December 1, 2000

Submitted to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and the members of the Seventy-Seventh Texas Legislature

TM033523

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

K. Cruse

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This Texas Education Agency publication is not copyrighted. Any or all sections may be duplicated.

This document is also available online at www.tea.state.tx.us/student.assessment.

BEST COPY AVAILABLE

STUDY OF POSSIBLE EXPANSION OF THE ASSESSMENT SYSTEM FOR LIMITED ENGLISH PROFICIENT STUDENTS

A Report to the 77th Texas Legislature

from the Texas Education Agency

BEST COPY AVAILABLE

STUDY OF POSSIBLE EXPANSION OF THE ASSESSMENT SYSTEM FOR LIMITED ENGLISH PROFICIENT STUDENTS

A Report to the
77th Texas Legislature
from the
Texas Education Agency
December 1, 2000

Submitted to the Governor,
Lieutenant Governor,
Speaker of the
House of Representatives,
and the members of the
Seventy-Seventh
Texas Legislature

This Texas Education Agency publication is not copyrighted. Any or all sections may be duplicated.

This document is also available online at www.tea.state.tx.us/student.assessment.

TEXAS EDUCATION AGENCY

1701 North Congress Ave.★ Austin, Texas 78701-1494 ★ 512/463-9734 ★ FAX: 512/463-9838 ★ http://www.tea.state.tx.us

Jim Nelson
Commissioner of Education

December 1, 2000

The Honorable George W. Bush, Governor of Texas
The Honorable Rick Perry, Lieutenant Governor of Texas
The Honorable Pete Laney, Speaker of the House of Representatives
Members of the 77th Texas Legislature

Section 39.022 of the Texas Education Code requires the commissioner of education to conduct a study to determine the need to expand the assessment system to include the assessment in Grades 7 and 8 of limited English proficient (LEP) students whose primary language is Spanish and other students who are of limited English proficiency.

This report presents the research activities that were conducted and the findings of the study. Throughout the study, the need to expand or modify the assessment system for LEP students was considered not only in view of the current assessment requirements but also in light of the upcoming, more rigorous assessment system mandated by the 76th Texas Legislature. All students will need to demonstrate higher levels of achievement under the new testing program, and test scores will play a major part in decisions about whether to promote or retain students. It is especially important when considering the assessment system for LEP students that the tests measure their skill levels appropriately and allow decisions about their promotion to be based on valid, reliable, and equitable assessment information.

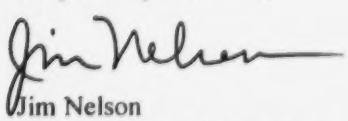
Based on the findings of the study, my recommendations are as follows:

- Continue to administer Spanish versions of the Texas Assessment of Academic Skills (TAAS) at Grades 3 through 6, but do not expand the assessment system to include Spanish versions at higher grades.

- Reconsider the law that limits the exemption of LEP students from TAAS to one year, and use performance on the Reading Proficiency Tests in English (RPTE) as a vehicle for measuring TAAS readiness.

I am pleased to submit this report for your consideration.

Respectfully submitted,



Jim Nelson
Commissioner of Education

Table of Contents

PROJECT OVERVIEW 1

CHAPTER 1: PROJECT BACKGROUND AND CONTEXT 3

CHAPTER 2: SUMMARY OF PROJECT ACTIVITIES 11

- Review of Relevant Literature 12
- National Advisory Panel Meeting 14
- Regional Focus Group Meetings 16
- Statewide Survey 18
- Presentation of Issues at Conferences of Professional Organizations 20
- Interviews 21
- Benefit-Cost Analysis for Development of TAAS in Spanish at Grades 7 and 8 23

CHAPTER 3: SUMMARY OF FINDINGS 27

APPENDICES

A BIBLIOGRAPHY OF SOURCES FOR LITERATURE REVIEW 31

B REGIONAL FOCUS GROUP MEETINGS/INPUT RECEIVED FROM QUESTIONNAIRES 35

C RESULTS OF STATEWIDE SURVEY 37

D INDIVIDUAL INTERVIEWS WITH STAKEHOLDERS AND LEGISLATORS 41

E SPRING 2000 RPTE TEST RESULTS 45

Performance for all students

Performance by years of enrollment in U.S. schools

F COSTS OF TAAS TESTS FOR SCHOOL YEAR 2000–2001 47

G TAAS PARTICIPATION DATA FOR SPANISH-SPEAKING LEP STUDENTS 49

For total students in bilingual and ESL programs

For students in bilingual programs

For students in ESL programs

H TAAS PARTICIPATION DATA FOR LEP STUDENTS WHOSE PRIMARY LANGUAGE IS OTHER THAN SPANISH 53

For total students in bilingual and ESL programs

For students in bilingual programs

For students in ESL programs

I POSITION PAPERS 57

LIST OF EXHIBITS

Exhibit 1: LEP students by home language for school year 1999–2000 5

Exhibit 2: Number of Spanish-speaking LEP students by grade: 1999–2000 5

Exhibit 3: Grades with 1,000 or more Spanish-speaking or Vietnamese LEP students: 1999–2000 6

Exhibit 4: TAAS participation of LEP students: Spring 2000 9

Exhibit 5: Tally of most frequently made comments from statewide surveys 19

Exhibit 6: Projected Spanish TAAS participation of LEP students in Grades 7 and 8 24

Exhibit 7: Spring 2000 TAAS participation of Spanish-speaking students in bilingual programs in Grades 7 and 8 25

Project Overview

In 1999 Texas legislation was passed requiring the commissioner of education to conduct a study to determine the need to expand the assessment system for limited English proficient (LEP) students. Through a process of competitive bidding, the Texas Education Agency (TEA) contracted with Beck Evaluation & Testing Associates, Inc. (BETA) to carry out the activities needed for the study.

The specific legislative charge for the study is as follows:

> "The commissioner of education shall conduct a study to determine the need to expand the assessment system under Subchapter B, Chapter 39, Education Code, as amended by this Act, to include the assessment in grades seven and eight of students whose primary language is Spanish and other students who are of limited English proficiency as defined by Section 29.052, Education Code."

During the 1999 legislative session the need for this study arose from discussions about appropriate ways to include all LEP students in the Texas assessment system. Concern was expressed about the number of students exempted from the assessment system and the need to lower this number to better promote the academic achievement of Texas students. As a result, a bill was passed that significantly limited exemptions from the Texas Assessment of Academic Skills (TAAS) and mandated the administration of reading proficiency tests in English to all LEP students. From discussions during the legislative session, it became clear that the study should explore whether to add Spanish versions of TAAS at Grades 7 and 8, given that Spanish versions of TAAS are currently available only in Grades 3 through 6. The legislation also requires the study to examine the assessment requirements for LEP students whose primary language is other than Spanish.

The research for this study has therefore revolved around two main questions:

1) Should Spanish versions of TAAS be added at Grades 7 and 8?

2) Should any other changes to the assessment system be made for Spanish-speaking LEP students or LEP students with a primary language other than Spanish?

In considering possible modifications to the assessment system, the overriding goal has been to ensure that LEP students are assessed in a manner that reliably and equitably documents their capabilities. In this manner, the assessments will be useful tools for improving both student learning and the overall effectiveness of Texas schools so that all students have the fullest opportunity to prepare themselves to succeed in their future endeavors.

Chapter 1: Project Background and Context

When studying the appropriateness of any test or assessment system, it is important for the evaluator to understand the purpose for which the assessments are used. When statewide testing began in Texas some 20 years ago, the primary purpose of testing was to provide diagnostic information about a student's academic strengths and weaknesses. Today, the purpose of testing has evolved, and tests not only measure student learning but also assist in judging the quality of education provided by schools, school districts, and states themselves as they strive to make needed educational reform.

Current Texas Assessment Program

The TAAS program currently assesses the state-mandated curriculum, the Texas Essential Knowledge and Skills (TEKS), at Grades 3 through 8 and the exit level. The exit level tests are administered for the first time to students in Grade 10. Reading and mathematics are assessed at each grade, writing is assessed at Grades 4, 8, and the exit level, and science and social studies are assessed at Grade 8. Spanish versions of TAAS are developed for Grades 3 through 6 and assess the same subjects as TAAS in English. Recently implemented Reading Proficiency Tests in English (RPTE) are administered to LEP students in Grades 3 through 12. Beginning in the spring of 2001, new tests called the State-Developed Alternative Assessments (SDAA) will be administered to special education students in Grades 3 through 8 who are receiving instruction in the TEKS but for whom the TAAS tests are not appropriate.

Upcoming Changes in the Student Assessment Program

In 1999 the 76th Texas Legislature enacted legislation that will raise both the rigor of the student assessment program and the stakes regarding the use of the test scores. Senate Bill 103 raised expectations for student performance by requiring the development of a new testing program, which will be known as TAAS II. These tests will be implemented in the spring of 2003 and will reflect more fully the breadth and rigor of the TEKS. The initial administration of the new exit level tests will be in Grade 11 rather than Grade 10, and the exit level tests will assess science and social studies in addition to the current areas of reading, writing, and mathematics. By law, the exit level tests will assess more advanced course content:

- The mathematics test will include at least Algebra I and geometry.
- The English language arts test will include at least English III and writing.
- The social studies test will include early American and U.S. history.
- The science test will include at least biology and integrated chemistry and physics.

Among other changes, TAAS II will add annual assessment of students in Grade 9 in reading and mathematics. Additionally, students in Grade 10 will take an annual assessment in the same subject areas that will be assessed on the new Grade 11 exit level test.

Further legislation, Senate Bill 4, has raised the stakes of the statewide tests at lower grades by requiring that TAAS II test scores be used in making student promotion decisions. Under this mandate, students in Grades 3, 5, and 8 who do not pass certain subject area tests will be retained unless a grade placement committee makes a unanimous decision that the student is likely to perform satisfactorily at the next grade level if

promoted and given accelerated instruction. These promotion requirements will be phased in gradually and apply to students who take the TAAS tests in either English or Spanish.

- Beginning in the spring of 2003, Grade 3 students must pass the reading section of TAAS II.
- Beginning in the spring of 2005, Grade 5 students must pass the reading and mathematics sections of TAAS II.
- Beginning in the spring of 2008, Grade 8 students must pass the reading and mathematics sections of TAAS II.

The National Context

Federal law now requires the inclusion of all students in standards-based reform efforts. With regard to limited English proficient students, states must find ways to assess them that do not confound their knowledge of English with their mastery of academic subject matter. Historically, test exemptions were viewed as a means to ensure that students were not required to take tests that would generate inaccurate information about their academic skills. Now, however, test results are used in Texas and many other states to determine whether schools are providing students with a quality education. This use of test scores has made it essential for states to reconsider their exemption policies. The inclusion of all students in appropriate state assessments will allow more accurate determinations to be made about school effectiveness, and it will also ensure that all students benefit from the associated educational reforms.

In January of 2000, an important Texas court ruling provided an additional national context for this study. In a closely watched case, the United States District Court Judge Edward Prado of San Antonio ruled in support of standardized, statewide testing in Texas public schools. The Mexican American Legal Defense and Educational Fund (MALDEF) brought the lawsuit against the state on behalf of a group of students who had not passed the exit level TAAS, arguing that the test was discriminatory and a violation of constitutional and civil rights. Judge Prado ruled in favor of TAAS, stating that the test meets currently accepted standards for curricular validity. Prado stated, "In other words, the test measures what it purports to measure, and it does so with a sufficient degree of reliability. In addition, all students in Texas have had a reasonable opportunity to learn the subject matter covered in the exam." This nationally significant ruling affirms a state's right to establish educational policies with the goal of creating a better educational system for its students. More importantly, it sets the constitutional and legal standards that states must meet in developing and implementing high-stakes tests that are valid and reliable, and educational policies that are fair and reasonable.

Instruction of LEP Students in Texas

More than 10 percent of Texas public school students are identified as limited English proficient. According to data collected through the TEA Public Education Information Management System (PEIMS) in the 1999–2000 school year, 555,470 LEP students were enrolled in public schools. In the nation Texas ranks second to California in terms of number of LEP students enrolled.

Texas schools offer special language programs to LEP students. When a student is identified as limited English proficient, the student is instructed in either a bilingual education program or a program of English as a second language (ESL). Bilingual education programs are designed to teach students the English language while providing academic instruction in their primary language until they have learned enough English to transition to academic learning in English. ESL programs are designed to teach students the English language and provide academic instruction in English using teaching methodologies that are designed specifically for second language learners. Texas law mandates that schools offer bilingual education programs in the elementary grades when the enrollment of students of one language group is at least 20 in a grade. Beyond the elementary grades, bilingual education programs are not mandated. On all

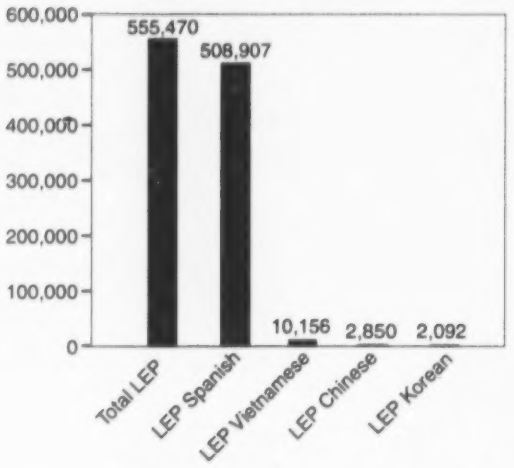
elementary, middle school, or high school campuses with any LEP students, an ESL program is required if bilingual education is not offered. According to PEIMS data for the 1999–2000 school year, the number of LEP students in bilingual education programs was 276,157, and the number in ESL programs was 220,794.

LEP students are served through bilingual education or ESL programs until they are identified as English proficient based on state-determined criteria. Once they have met the criteria, they exit these special language programs and are no longer identified as limited English proficient. Schools who have LEP students are required to establish a language proficiency assessment committee (LPAC) to identify LEP students and ensure proper program placement and exit for effective transition to mainstream English instruction. This committee is also responsible for determining whether students meet the criteria for a LEP exemption from TAAS and whether they should take TAAS in English or Spanish.

Language Groups Represented in Texas LEP Student Population

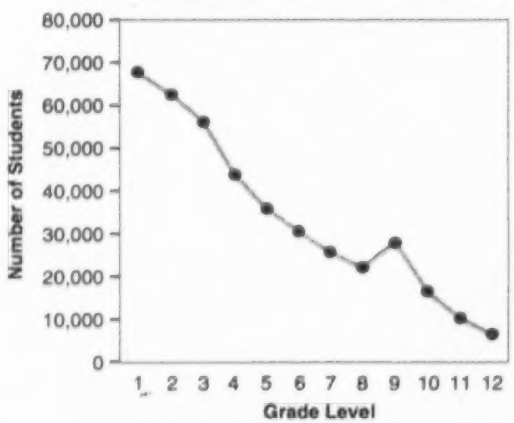
According to PEIMS data for the 1999–2000 school year, more than 90 percent of Texas LEP students speak Spanish as their primary language. A small but significant number of LEP students speak a variety of other languages, with Vietnamese, Chinese, and Korean being the most prevalent. Responses to teacher surveys administered during the development of the RPTE suggest that there are more than 100 different home languages represented in the Texas LEP student population.

EXHIBIT 1
LEP students by home language for school year 1999–2000



The number of LEP students in each school district varies widely. In some districts few if any LEP students are enrolled, while in others roughly half of the students enrolled are identified as limited English proficient. The following graph shows the number of Spanish-speaking LEP students identified in Grades 1 through 12 in Texas public schools.

EXHIBIT 2
Number of Spanish-speaking LEP students by grade: 1999–2000



There are two home languages for which Texas LEP student enrollment exceeds 1,000 at a grade level: Spanish and Vietnamese. The grade levels in which the number of students exceeds 1,000 are

shown in Exhibit 3. Participation of these students in bilingual or ESL programs is also shown.

Spanish-speaking LEP students. Large numbers of Spanish-speaking students are served in bilingual programs in elementary grades, in which districts offer bilingual education if a grade level's enrollment of students in a particular language group is 20 or more. The number of bilingual education participants drops from 21,189 in Grade 5 to 4,797 in Grade 6. Participation drops to 518 in Grade 7 and continues to decline in subsequent grades. The number of Spanish-speaking students in ESL programs is fairly substantial in all grades.

Vietnamese LEP students. The number of Vietnamese students statewide does not exceed 1,000 in any grade after Grade 2, and very small numbers of these students are identified as participating in a bilingual program. Vietnamese LEP students are generally served in ESL rather than bilingual programs, as are LEP students in any language group when a district's grade-level enrollment for the language group is under 20.

EXHIBIT 3

Grades with 1,000 or More Spanish-Speaking LEP Students

1999–2000 School Year

Grade Level	Program Participation			Grade Level Total
	ESL	Bilingual	Neither	
PK	7,162	34,039	1,341	42,542
KG	10,837	47,318	3,213	61,368
1	12,876	50,066	4,495	67,437
2	12,118	45,816	4,636	62,570
3	11,506	40,116	4,508	56,130
4	11,706	27,780	4,012	43,498
5	10,765	21,189	3,702	35,656
6	21,615	4,797	4,071	30,483
7	21,124	518	4,035	25,677
8	18,000	290	3,821	22,111
9	22,869	27	5,160	28,056
10	12,793	10	3,488	16,291
11	7,772	4	2,492	10,268
12	4,494	5	1,861	6,360

Grades with 1,000 or More Vietnamese LEP Students

1999–2000 School Year

Grade Level	Program Participation			Grade Level Total
	ESL	Bilingual	Neither	
PK	1,015	47	29	1,091
KG	1,245	80	76	1,401
1	1,286	88	75	1,449
2	1,134	63	116	1,313

Assessment of LEP Students in Texas

In the last decade, Texas has taken several steps to expand the inclusion of LEP students in statewide assessments, and all LEP students now participate in the assessment program.

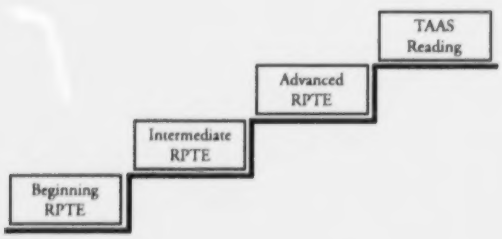
Development of TAAS in Spanish at Grades 3 through 6. In 1994, Texas adopted a plan to develop Spanish versions of TAAS in Grades 3 through 6. These tests allow schools to measure the academic progress of students for whom language proficiency assessment committees deem Spanish-version tests appropriate. Schools administer the TAAS tests in Spanish primarily to students in bilingual programs who receive academic instruction in Spanish while they learn English. Since passing rates began to be reported in 1997, each year TAAS in Spanish has been administered to about 40,000 LEP students who would otherwise have been eligible for exemption. The exemption rates for LEP students decreased from about 30 percent to 20 percent following the implementation of TAAS in Spanish.

Development of the Reading Proficiency Tests in English (RPTE). In 1995, state legislation required the commissioner of education to propose a system for evaluating the progress of those LEP students who were eligible for exemption. Following input and advice from national and state experts and stakeholders, the commissioner recommended adding English reading proficiency tests to the existing assessment system. State legislation in 1999 mandated administration of the RPTE to all LEP students, and the first statewide administration occurred in the spring of 2000. Appendix E shows student performance from the first RPTE administration.

The RPTE has been designed specifically for LEP students by taking into account the way they learn to read in a second language. Following are some of the characteristics of this test:

- The RPTE measures the reading skills of the Texas Essential Knowledge and Skills (TEKS) for English language arts and reading and for English as a second language.

- The test is based on the same reading objectives as the TAAS tests. The difference is that reading passages and test items for the RPTE are developed at the three levels of proficiency identified in the TEKS for LEP students: beginning, intermediate, and advanced. Just as LEP students are required to be taught the TEKS at their level of English language proficiency, the RPTE assesses skills from the TEKS at these levels of proficiency.
- The RPTE results are reported as a measure of progress along a proficiency continuum to show LEP students' current English reading levels and annual growth.
- The illustration below shows how the RPTE and TAAS reading tests form a cohesive assessment system for LEP students. The RPTE allows for assessment of language proficiency levels that precede the level of proficiency needed to read and understand TAAS in English.



- LEP students who achieve a proficiency rating of advanced on the RPTE will not be required to take the RPTE in the following school year. Performance at the advanced level on the RPTE indicates that the effect of the acquisition of English as a second language on a student's ability to read and understand grade-level texts in English is now minimal. With another year of instruction, assessment with TAAS will be considered appropriate.
- Test data from the RPTE will allow Texas to use one statewide, standardized measure that is linked directly to the state curriculum to ensure that LEP students are making the steady annual progress they need to become successful readers of English in academic settings.

Recent Changes to LEP Exemption Policy

1999–2000 State Board Rule Regarding Exemption. In the 1999–2000 school year, the State Board of Education took a step to include more LEP students in the assessment system by changing its rule on exemptions. For several years prior to the 1999–2000 school year, schools were permitted to grant students in Grades 3 through 8 a LEP exemption from TAAS for up to three years beginning with Grade 3, the first year TAAS is administered. For students who entered U.S. schools after Grade 3, the first exemption period began with their first year in the country. This meant that a LEP student in Texas schools since the first grade could theoretically be excluded from statewide assessment until Grade 6. The rule approved for the 1999–2000 school year disallowed LEP exemptions for *nonimmigrant* LEP students and linked the three years of exemption for *immigrants* to the first three years of enrollment in U.S. schools. This meant that nonimmigrant LEP students would take TAAS in English or Spanish by Grade 3 and that immigrant LEP students enrolled in U.S. schools since Grade 1 would take TAAS in English or Spanish by Grade 4. Exhibit 4 on page 9 displays the number and percent of LEP students in the spring 2000 TAAS administration who tested in English or Spanish, received a LEP exemption, or did not test for other reasons. Under the new rule, the LEP exemption rate dropped from 20 percent to about 10 percent, or 27,402 students statewide.

New Law Concerning LEP Exemptions. Senate Bill 103 has further narrowed the possibility for LEP exemptions. This legislation mandates that the exemption period for Spanish-speaking LEP students be reduced to one year and only apply to recent unschooled immigrants. As the State Board of Education met to amend its rules to comply with the new law, many educators voiced concerns that the one-year period was too short and applied only to Spanish speakers. At Grades 7 and 8 there was particular concern because there are no Spanish versions of TAAS available. At other grades, concerns were raised that the one-year period will require Spanish-speaking students in

BEST COPY AVAILABLE

ESL programs to either take TAAS in English before they are ready or TAAS in Spanish, which does not measure them in their language of instruction. After much testimony and careful consideration, the State Board of Education adopted an exemption rule that applies equally to students regardless of their primary language. Under this new rule, which is effective beginning with the 2000–2001 school year, all LEP students will be required to take TAAS in English or Spanish unless they are recent unschooled immigrants enrolled in U.S. schools for less than one calendar year.

In conducting this study, BETA was asked to examine the need to expand or modify the assessment system for LEP students not only in view of the current assessment requirements, but also in light of the upcoming, more rigorous requirements of Senate Bill 103 and Senate Bill 4. All students will need to demonstrate higher levels of achievement under these requirements. It will be especially important when considering the assessment system for LEP students to make sure that the system measures their skill levels appropriately and allows decisions about their promotion to be based on reliable and equitable assessment information. Since TAAS II will include annual assessments of students in Grades 9 and 10, questions as to the exemption policies and whether to develop Spanish-version tests for these grades will need to be addressed.

EXHIBIT 4

TAAS PARTICIPATION OF LEP STUDENTS

TESTED IN ENGLISH, SPANISH, LEP-EXEMPT, ARD-EXEMPT, ABSENT, OTHER
(Including Year-Round Education Results)

Spring 2000

Includes Students Taking the Spanish Version Test at Grades 3, 4, 5, and 6
(Percentages are based on total number of answer documents-ENG/SPN)

ALL STUDENTS	TOTAL ANSWER DOCUMENTS ENG/SPN	NOT TESTED IN ALL TESTS: ABSENT	Absent / Total AD	ARD-EXEMPT	ARD-Exempt/ Total AD	LEP-EXEMPT	LEP-Exempt/ Total AD	OTHER NOT TESTED	Other Not Test/ Total AD	TOTAL TESTED ENGLISH	Tested / Total AD	TOTAL TESTED SPANISH	Tested / Total AD	ENG/SPN TOTAL TESTED	Tested / Total AD
Grade 3	60,757	211	0.3%	3,793	6.2%	5,113	8.4%	193	0.3%	31,838	52.4%	19,609	32.3%	51,447	84.7%
Grade 4	49,945	11	0.0%	3,982	8.0%	3,512	7.0%	1,605	3.2%	28,439	56.9%	12,396	24.8%	40,835	81.8%
Grade 5	39,999	137	0.3%	5,017	12.5%	4,111	10.3%	385	1.0%	24,740	61.9%	5,609	14.0%	30,349	75.9%
Grade 6	33,717	188	0.6%	4,254	12.6%	4,316	12.8%	255	0.8%	23,431	69.5%	1,273	3.8%	24,704	73.3%
Grade 7	28,234	271	1.0%	3,681	13.0%	5,752	20.4%	109	0.4%	18,421	65.2%	N/A	N/A	18,421	65.2%
Grade 8 *	25,151	49	0.2%	2,543	10.1%	4,598	18.3%	1,254	5.0%	16,707	66.4%	N/A	N/A	16,707	66.4%
Grade 10	17,168	566	3.3%	1,625	9.5%	N/A	N/A	915	5.3%	14,062	81.9%	N/A	N/A	14,062	81.9%
Grades 3-8,10	**254,971**	**1,433**	**0.6%**	**24,895**	**9.8%**	**27,402**	**10.7%**	**4,716**	**1.8%**	**157,638**	**61.8%**	**38,887**	**15.3%**	**196,525**	**77.1%**
Grades 3-6	**184,418**	**547**	**0.3%**	**17,046**	**9.2%**	**17,052**	**9.2%**	**2,438**	**1.3%**	**108,448**	**58.8%**	**38,887**	**21.1%**	**147,335**	**79.9%**

* Grade 8 includes science and social studies data.

BEST COPY AVAILABLE

Chapter 2: Summary of Project Activities

During the course of this study, BETA conducted several activities to further its understanding of the issues involved and to incorporate the views of as many stakeholders as possible. Included in this chapter are descriptions of each of the following activities and summaries of BETA's findings.

- **Review of Relevant Literature**

- **National Advisory Panel Meeting**
  - Psychometricians
  - Experts in assessment
  - Experts in bilingual education
  - Legal experts

- **Regional Focus Group Meetings**
  - Administrators
  - Educators
  - Parents
  - Students
  - Citizens

- **Statewide Survey**
  - Administrators
  - Educators
  - Parents
  - Students
  - Citizens

- **Presentation of Issues at Conferences of Professional Organizations**
  - Administrators
  - Educators
  - Practitioners in bilingual education

- **Interviews**
  - Legislators
  - Stakeholders
  - State Board of Education members
  - Superintendents
  - School board members

- **Benefit-Cost Analysis**

Review of Relevant Literature

A review of the research and literature relevant to this study was done with the purpose of examining writing pertinent to test equity, test reliability and validity, language acquisition, and language of assessment. The literature review, which included a complete search of the Educational Resources Information Center (ERIC) database, focused mainly on recent studies documenting issues related to the appropriate academic assessment of LEP students. Of special interest were the topics of length of time necessary for acquiring a second language, assessment of academic content-area knowledge in a language other than that used for instruction, standards for assessment of LEP students, and ways in which other state assessment programs are dealing with the unique problems associated with the testing of LEP students. Additional information on this activity, including resources that cite studies that have been conducted over the past 20 years, can be found in Appendix A.

The following information summarizes BETA's findings from the search of available studies.

Test Exemptions: Length of Time Allowed for Academic Language Acquisition

According to the research literature, there is no specific time frame in which most K–12 LEP students can be expected to learn a second language well enough to participate in academic testing. Studies on this topic have focused primarily on students in Grades K–5. Those studies found that the time frame for language acquisition by LEP students to reach a skill level comparable to their English-speaking peers ranges from four to eight years. The initial guidelines for fair inclusion of LEP students in the federal program, the National Assessment of Educational Progress (NAEP), specified that LEP students should have been receiving instruction in English for three years before being included in the NAEP test. The NAEP is not an accountability instrument and no significant stakes are associated with performance on this instrument.

Other research indicates that speed of language acquisition is dependent on educational services, availability of instruction in the native language, trained teachers, and students' individual differences. There is no general rule with regard to the number of years of English instruction that applies equally to all learners. Further, some research shows that educated, older students more quickly transfer their academic content knowledge into English than do younger children.

The literature emphasizes that it is very important to distinguish between two issues often confused by policymakers, educators, and researchers. These two issues can be phrased as questions: A) After what period of instruction in English can typical LEP students be expected to show sufficient competence in English that assessment of their achievement in English would be an appropriate educational activity? B) After what period of instruction in English can typical LEP students be expected to attain a level of proficiency in English comparable to that of peers who are native speakers? Clearly, these are very different questions, whose answers are likely to suggest markedly different time frames. With regard to state assessment programs, the crucial question above is the first one.

Language of Instruction vs. Language of Assessment

Almost all studies emphasize the dilemma of assessment of the achievement and progress of LEP students, whether or not they are instructed in English. The reliability and validity of any test purporting to measure content knowledge is questionable because of the prerequisite that students understand the language of the test in order for their knowledge of content to be assessed. Therefore, an achievement test can, in fact, become a language proficiency test. Unfortunately, there is no statistical analysis that determines to what extent a student's language proficiency is confounding the achievement

measure. At the same time, development of tests in students' primary languages has not resolved this issue for at least two reasons. One reason is that test development in languages other than English has proceeded slowly, both in the commercial arena and in state assessment programs. Issues associated with cost and feasibility of test development have arisen. The second reason is that a test in one language does not necessarily measure the same skills as does a version in another language.

Congruence of language of instruction with language of assessment is perhaps the most direct way that the addition of a Spanish-version TAAS at Grades 7 and 8 is addressed in the research literature. Most Texas students in Grades 7 and 8 are instructed in English. The achievement of students whose primary language is not that of the test may be seriously mismeasured. As a result, those students' scores may be meaningless. At the very least, scores on such instruments will lack instructional validity. In addition, testing individuals in their dominant language alone is no panacea. Considerations of both language dominance and language proficiency are important because many bilingual individuals use their two languages in two distinct contexts. Usually the first language is used in the home and the second language is used at school. Academic vocabulary may not be a part of the bilingual person's knowledge of the first language. Assessment in the first language when instruction is delivered in the second language may result in inaccurate measurement of students' knowledge and skills.

Equitable Treatment and Fairness

The concept of fairness requires that all examinees must be given comparable opportunities to demonstrate their standing on the constructs being assessed. Another aspect of fairness is the opportunity to learn. If students have not had the opportunity to learn the material that is being tested, the test is unfair to the students.

What Other States Are Doing

A review of the state departments of education websites, as well as that of the Council of Chief State School Officers (CCSSO), indicates that some states are offering accommodations or recommending alternative, commercial tests for LEP students. In California, no exemptions are granted regardless of time in U.S. schools. All LEP students must take the assessment in English, in addition to an achievement test in their native language. In 1999 additional achievement tests were available only in Spanish. Florida offers a two-year exemption if the students' language proficiency assessment committee concurs. North Carolina permits exemption for up to two years from initial enrollment in the state school system, but only if students score below a certain level on a language proficiency test. Illinois requires assessment in English after three years of enrollment in an ESL or bilingual program. It also has developed an alternate state assessment for LEP students: the Illinois Measure of Annual Growth in English (IMAGE). IMAGE measures the progress of LEP students in attaining the English-language reading and writing skills needed to achieve the Illinois Learning Standards. Students who take the IMAGE are exempted from the Illinois Standards Achievement Test (ISAT). Missouri allows a one-year exemption. New York uses a commercial test to determine English proficiency; however, students may elect to take the assessments in their native language. In accord with the reauthorization of the federal Title I program in 1994, all states were required to submit plans for including all students in their accountability programs by the 2000–2001 school year. As states struggle to address these issues, it is likely that clearer direction, or at least some amount of consensus, will emerge. At this time, however, no single direction is evident.

National Advisory Panel Meeting

A national panel was convened in order to obtain expert judgments from people actively involved in the educational, legal, and psychometric aspects of assessing LEP students. Panel members were selected for their work in bilingual education, their states' efforts in the assessment of LEP students, or their involvement in professional organizations concerned with the education of LEP students. The members of the national advisory panel were:

- Dr. Albert Cortez
  Intercultural Development Research Association (IDRA)
- Dr. Margo Gottlieb
  Director of Assessment and Evaluation
  Illinois Resource Center
- Dr. Michael D. Guerrero
  Department of Curriculum and Instruction
  University of Texas
- Ms. Carmen A. Perez Hogan
  Office of Bilingual Education
  New York State Education Department
- Dr. Susan Phillips
  Legal and Psychometric Consultant
- Dr. Barbara Schwarte
  Teachers of English to Speakers of Other Languages (TESOL)
  Iowa State University
- Dr. Josefina V. Tinajero
  National Association for Bilingual Education (NABE)
  University of Texas at El Paso
- Dr. Jon Twing
  NCS Pearson

The meeting of the national panel was held on April 6, 2000. Before the meeting, panelists were provided with background information on the Texas assessment program. At the meeting, panelists were asked to express their views on the expansion of TAAS in Spanish to Grades 7 and 8 and to discuss ideas for additional modifications if needed. Panelists were also asked to review and comment on a draft of a survey that BETA later used to obtain statewide input from educators, parents, students, and other stakeholders.

Both pros and cons were expressed about the possible expansion of TAAS in Spanish to Grades 7 and 8.

The reservations about extending TAAS in Spanish to Grades 7 and 8 are summarized below.

- Adding Spanish-version tests to Grades 7 and 8 might keep Spanish-speaking students from receiving the intense instruction they need in English to succeed in their high school courses and pass the exit level tests in English.
- Litigation could result from a policy that treats students differently in terms of assessment when their instructional requirements are the same. It could be perceived as unfair treatment when non-Spanish speakers are required to test in English while Spanish speakers in the same class can test in either English or Spanish.
- Since bilingual education programs are rare at Grades 7 and 8, few students receive academic instruction in Spanish. Instead, most Spanish-speaking students are instructed in English in ESL programs. The number of students to be served by Spanish-version tests might be quite low and should be carefully studied. The use of Spanish tests to measure academic skills that were taught in English would run counter to academic preparation requirements and would provide unreliable information about student learning.

The benefits that might be gained from adding TAAS in Spanish to Grades 7 and 8 follow.

- The availability of Spanish versions might promote positive instructional changes in the long run. If TAAS in Spanish were an option in Grades 7 and 8, schools might implement more bilingual programs at these grades, which would be beneficial in two ways.

1. Extending bilingual education to higher grades would allow for more comprehensible academic instruction for students who enter the U.S. at those grades.
2. There would be less pressure to transition bilingual students into English instructional programs by the end of the elementary grades, which would allow students to transition to English instruction more gradually when needed.

- Ensuring that students have sound academic preparation in their first language will better enable them to succeed academically when they transition into English instructional settings.

The panel members advised that potential changes to the assessment system for LEP students must take into account the possible implications for curriculum and classroom instruction, and that comprehensible instruction and assessment should be the primary goals. Panel members spoke about the need to better the instruction of LEP students by reducing bilingual teacher shortages, improving teacher training, and developing more appropriate instructional materials. Resolving these problems would allow more schools to implement better bilingual education programs, which would, in turn, increase the number of students for whom Spanish-language testing would be appropriate. In light of the growing number of LEP students, suggestions were made that Texas take a proactive stance. Further, several panelists recommended that the need for bilingual education be considered systemically in K–12 or even K–16, because the current system seems to assume entry of students into the system in kindergarten, rather than across all grade levels.

Aside from discussions specific to adding Spanish versions of TAAS to Grades 7 and 8, the panelists also expressed concern about the statutory change that limited future exemptions to one year. The view was expressed that designating a one-year time frame for acquiring sufficient English language and/or content knowledge to take academic tests in English is unsupported by empirical research or other studies.

With regard to the RPTE, panelists viewed it as an appropriate means of measuring a student's annual growth in acquiring the ability to read in English. They saw merit in using the test to inform the decision of when a student would be ready to take TAAS in English. However, a concern was expressed that measures in mathematics, science, writing, and social studies were not available at any grade level for LEP students for whom neither English nor Spanish versions of TAAS are appropriate. The suggestion was made that assessments in English similar to the RPTE be developed to chart LEP student progress in those content areas.

In discussing the draft survey, the panelists made suggestions regarding survey questions and the audience to whom the survey should be sent. Because the survey was to be made available to the general population, the panelists also suggested dividing survey results into subgroups based on demographic information. This would allow the survey to show whether the views of teachers, administrators, parents, and other citizens were similar or different.

Regional Focus Group Meetings

Between June and August 2000, BETA conducted focus group meetings in six areas of the state: Edinburg, El Paso, Fort Worth, Houston, Lubbock, and San Antonio. The objectives of these meetings were to inform interested individuals about the study, hear the viewpoints of local stakeholders in face-to-face meetings, and determine how to move forward on the project.

Regional and district TAAS and bilingual education coordinators helped BETA schedule the meetings and notified interested parents, students, citizens, and educators. At each meeting, BETA explained the purpose and components of the study and provided an overview of the current assessment system. BETA also spoke about the new assessment program and new student promotion requirements that would begin to affect students in the spring of 2003.

Following this presentation, BETA encouraged the attendees to share their views about the possible need to expand or modify the assessment system for Spanish-speaking LEP students at Grades 7 and 8 as well as for other students of limited English proficiency. At the end of the discussion, BETA distributed a questionnaire to give attendees the opportunity to provide written input. The questionnaires contained the following three questions, which were presented in English initially and later also translated into Spanish.

1. Is there a need to modify or expand the assessment system for Spanish-speaking LEP students in Grades 7 and 8? If yes, please explain.
2. Is there a need to modify or expand the assessment system for LEP students of other languages in Grades 7 and 8? If yes, please explain.
3. Is there a need to modify or expand the assessment system for LEP students in Grades 3 through 6? If yes, please explain.

A total of 134 individuals attended these focus group meetings. BETA received 49 completed questionnaires, which participants either submitted at the meetings or mailed in shortly thereafter.

The following generalizations can be made from the input that focus group members provided.

- There is a mixed reaction regarding the need to expand TAAS to include Spanish versions at Grades 7 and 8.
- There is a desire for the RPTE to be used in some way to show when students are ready for TAAS in English.
- There is a deep concern about the new law that narrows the possibility for exemption to one year.

Most of the concerns about the current assessment system for LEP students stemmed from the fact that the state was now allowing only a one-year exemption from TAAS. Educators did not view this to be sufficient time for LEP students new to this country to learn enough English to understand the TAAS tests, nor for students to acquire the essential knowledge and skills of the Texas curriculum if they came to this country with inadequate prior schooling. Many respondents proposed that a two- or three-year exemption period be permitted when necessary.

The individuals who supported adding Spanish versions at Grades 7 and 8 thought these tests might provide a viable alternative for at least some Spanish-speaking immigrants, given that the new exemption policy will require many of them to take TAAS in English before they have an adequate understanding of English. Support for this view came mainly from areas of the state that have a high influx of Spanish-speaking immigrants. It is noteworthy, however, that even in these areas of the state there were also respondents who expressed opposition to adding Spanish versions of TAAS at these grades.

One reservation about giving TAAS in Spanish at Grades 7 and 8 was that the tests would not be an appropriate alternative for the majority of

immigrants not yet ready for TAAS in English because most LEP students in Grades 7 and 8 are in ESL rather than bilingual programs. Respondents who held this view generally offered two reasons why seeking to eliminate exemptions by administering Spanish-version assessments to students in ESL programs was unfavorable:

1. The language of the test should match the language of instruction, which in ESL programs is English.
2. A considerable number of immigrants arrive in the U.S. with limited previous schooling and limited Spanish literacy.

Other educators and parents objected to introducing Spanish versions at Grades 7 and 8 because of a possible negative impact on students' eventual mastery of English. They worried that too much focus on Spanish would prevent LEP students from acquiring the English-language skills needed to succeed in high school courses, pass the exit level TAAS tests in English, and pursue their goals after high school graduation.

Another concern was expressed from the standpoint of equity for students whose first language is other than Spanish. In ESL programs, Spanish-speaking LEP students as well as LEP students with other primary languages are all taught in English, often in the same classes. Now that LEP students can only be exempted for one year, it could be viewed as unfair to offer a Spanish alternative to Spanish-speaking students while non-Spanish-speaking LEP students would have to test in English.

A considerable number of respondents commented that the RPTE is an appropriate measure for all students regardless of their primary language and should be used until they are proficient enough to be assessed validly and reliably by TAAS. Rather than restricting exemptions to one year, the desire was expressed to use the RPTE as a means of demonstrating student readiness for English TAAS. The suggestion was also made to develop content area tests in mathematics, science, and social studies that are written in English but take into account a student's limited English proficiency.

Other comments made by respondents included concerns about too many testing requirements for LEP students and cautions about considering cultural differences as well as second language development in examining the appropriateness of assessment.

Appendix B contains more specifics on the input gathered from the focus group questionnaires. Additionally, three groups expressed interest in submitting position papers during the course of this project activity. Summaries of these papers are found in Appendix I.

Statewide Survey

A survey was developed to seek statewide input about the assessment of LEP students from interested educators, parents, students, and other community members for the purpose of reporting these opinions to policymakers. The survey was developed by BETA and reviewed by the national advisory panel and TEA staff members. After the survey was approved in August, it was distributed statewide to approximately 1,500 district TAAS coordinators, bilingual directors, and bilingual coordinators. They, in turn, were asked to make copies of the surveys and distribute them to all interested parties for return by September 13, 2000. BETA continued to accept surveys through October 6, 2000. The survey was developed in English; however, BETA made a Spanish version available when Spanish translations were requested. About 10 districts requested the survey in Spanish.

Approximately 5,500 surveys were returned to BETA. The results were tabulated by demographic variable for each region and the state as a whole. The specific breakdown of responses may be found in Appendix C.

Question number one of the survey read: "Is there a need to modify or expand the current assessment system for LEP students? If yes, please explain." In response to this question, the total group responded,

YES	3,111
NO	2,248

A majority of those who answered yes to this question commented about the inadequacy of a one-year exemption and recommended use of the RPTE to determine readiness for TAAS in English. Few responses expressed support for expanding Spanish TAAS to higher grades.

Question number two of the survey read: "Do you have any comments you would like to make about the RPTE?" In response to this question, the total group responded,

YES	2,197
NO	3,082

The majority of comments were in support of using the RPTE as the instrument to demonstrate student readiness for taking TAAS in English.

Question number three of the survey read: "How long, on average, do you think a limited English proficient student takes to become proficient enough in English to demonstrate academic progress meaningfully on a standardized test like TAAS?" In response to this question, the total group replied,

1–2 Years	641
3–4 Years	2,824
5–6 Years	1,595
7–8 Years	514
9+ Years	182

The survey was designed to allow respondents to add written comments if they so desired. Statements summarizing this input are included below as well as a tally of the most frequently made comments.

- Many respondents believe that Spanish TAAS is not a viable alternative for students who have limited literacy in Spanish and/or who receive instruction in English.
- With regard to the new one-year exemption rule for LEP students, many respondents stated that one year is insufficient time for students to acquire the academic linguistic ability to take TAAS.
- Many respondents believe that readiness for TAAS depends on a student's educational background and language background; therefore, these respondents recommended that the decisions about TAAS readiness be made on a student-by-student basis.

- Many respondents stated that students should not have to take both the TAAS in English and the RPTE in the same year. They believe that LEP students should take the RPTE to show progress in the ability to read English until such time as the student is prepared to take TAAS in English. They feel the RPTE should be used as one of the factors to determine readiness for TAAS in English.
- Many respondents are concerned about the number of tests that LEP students are required to take. They are not only required to take TAAS tests and the RPTE but also tests used for program placement and exit.

EXHIBIT 5

Tally of most frequently made comments from statewide surveys

Comment	Number of Responses
A one-year exemption rule is not appropriate	2,023
TAAS is inappropriate for LEP students if administered too soon	893
TAAS readiness depends on the individual	561
Use RPTE to determine readiness for TAAS	514
LEP students are over-tested	243
Expand Spanish TAAS to Grades 7 and 8	160
More English instruction is needed	148
Spanish TAAS is not a viable alternative for all Spanish speakers	118
Develop TAAS in other languages	103

It should be noted that the comments above were not the only concerns expressed on the surveys. Comments that were made by fewer than 100 people are not included.

Presentation of Issues at Conferences of Professional Organizations

BETA attended conferences held by professional organizations to present information on the study and obtain input. At the conferences conducted by the Texas State Reading Association, the National Association for Bilingual Education (NABE), and the Bilingual ESL Association of the Metroplex, a BETA representative attended sessions regarding the assessment of LEP students and informed conference attendees of the purpose of the study, the dates and locations of the regional focus group meetings, and ways they could provide written input. At each of these conferences, BETA provided background information pertinent to the study.

At the Secondary School Conference, organized by the TEA Department of Bilingual Education, and the Rio Grande Valley Texas Association for Bilingual Education (RGV TABE), BETA conducted conference sessions about the study. By the time these two conferences occurred, the questionnaires described on page 16 were finalized, and BETA distributed them to allow the attendees to provide written input.

Some people who responded to the questionnaire stated that Spanish TAAS at Grades 7 and 8 might benefit a small number of students across the state who enter this country with a strong academic background in Spanish. Most students in Grades 7 and 8 are enrolled in ESL classes, however, and are being instructed in English. Conference attendees felt that by and large the language of assessment should match the language of instruction. This being the case, they felt that TAAS in Spanish would be of limited usefulness. While some people felt that bilingual instruction could be provided in Grades 7 and 8, others wrote about their concerns regarding the lack of qualified teachers and materials for these students.

The written input received from the Secondary School Conference and the RGV TABE reflects one overriding opinion. Almost every person who submitted ideas regarding the assessment of LEP students stated that the new law regarding a one-year exemption from TAAS was unrealistic. Attendees at these conferences maintain that one year is not sufficient time for students to be ready for TAAS. Several respondents stated that it takes longer than five years for students to become fully proficient in their second language. Other respondents favored allowing students up to three years of exemption from TAAS when neither English nor Spanish versions of the tests are appropriate.

Frequent suggestions were made to use the RPTE to help determine whether a student is ready to take the TAAS in English because the RPTE shows progress in English language acquisition. Several comments received from attendees of the Secondary School Conference also reflect a desire to have other content-area tests in English that take into account LEP students' limited ability to understand English.

Interviews

BETA staff interviewed selected stakeholders to gather opinions on issues concerning the testing of LEP students in Texas. Specifically, the discussions focused on the issues of testing for English proficiency, exemptions from TAAS, and possible expansions of the system. Those interviewed were selected for their work in setting education policy and/or their background in dealing with concerns of the LEP population. Representatives from Richardson ISD were interviewed because of the district's unique situation: LEP students speaking 68 different languages are enrolled in its schools. Prior to the interviews, the individuals received a letter that presented background information on the purpose of this study and on the current system of testing LEP students.

The following individuals were interviewed for this study:

- Mary Helen Berlanga, State Board of Education Member
- Dr. Carolyn Bukhair, David Tiffin, and Anne Foster, Richardson ISD Superintendent, Assistant Superintendent, and President of the Board of Trustees
- Dr. Albert Cortez, Intercultural Development Research Association (IDRA)
- Domingo Garcia, State Representative
- Kent Grusendorf, State Representative
- Irma Hinojosa, President of the Texas Association for Bilingual Education (TABE)
- Al Kauffman, Mexican American Legal Defense and Educational Fund (MALDEF)
- René Lara, Co-chair of the Education Committee for the Texas League of United Latin American Citizens (LULAC)
- Darla Marburger, Senate Education Committee Staff
- Geraldine Miller, State Board of Education Member
- Monty Wynn, House Public Education Committee Staff

Below are the four questions asked during the interviews and a summary of responses given by the interviewees. Additional information can be found in Appendix D.

The Reading Proficiency Tests in English (RPTE) have now been introduced into the assessment program to measure growth in the learning of English. Please share your views on this new assessment and how it should be used in the future.

Respondents had mostly positive things to say about the RPTE. Several individuals said that it was long overdue and that it will be a valuable tool to districts in evaluating their programs. It was also mentioned that the RPTE will be helpful to teachers because they will be able to use it to guide instruction. Most of the individuals interviewed like the fact that the RPTE gives information about proficiency levels and feel that it will help districts make decisions about whether students are ready to take TAAS in English. Several respondents cautioned against the RPTE becoming the sole indicator of a student's readiness for TAAS in English. Input from classroom teachers, parents, and counselors was still thought to be a vital part of the decision-making process. There were mixed opinions offered about the role of the RPTE in the accountability system. Several respondents support the use of the RPTE for accountability purposes, whereas several respondents would like to see it used primarily as a diagnostic tool. Being that the RPTE is a new assessment, it was suggested that TEA should proceed with caution when making decisions about the test's role in the accountability system.

Determining when a limited English proficient student is ready to take TAAS in English or Spanish continues to be a major policy issue in Texas. What do you think the criteria for exemption or inclusion should be? Should the policy be the same for Spanish-speaking students and students with a primary language other than Spanish or English?

Respondents mentioned that this is a very difficult issue and that there are no easy answers regarding

what the criteria for exemption or inclusion should be. Many felt that the decision to exempt or include should be based primarily on the RPTE. Others felt that this decision is an individual issue for each student and should be based on a wide range of criteria, such as teacher assessment, parental input, and classroom performance. Several respondents suggested that there should not be a state policy that sets a specific time limit on this issue because students learn at different rates. One respondent thought that one year should be sufficient time for a student to be prepared to take TAAS. Another respondent thought that a two-year limit would be appropriate. Most respondents had very strong opinions about the need for some kind of limit on exemptions and thought that the three-year limit was most appropriate. It was mentioned several times that a one-time exemption is probably appropriate for Grade 3 students who entered a U.S. school in kindergarten or Grade 1, but that more time would be needed for students who entered U.S. schools in Grade 2 or later. Most respondents thought that the policy should be the same for Spanish-speaking students and students with a primary language other than Spanish.

Spanish versions of TAAS are available in Grades 3, 4, 5, and 6. Should Spanish versions be developed for Grades 7 and 8? Express the pros and cons of this expansion.

Most respondents said that Spanish versions of TAAS should not be developed for Grades 7 and 8. Some said that this would be a disservice to children who need to be preparing for the exit level TAAS, which is in English. It was suggested that this decision should be based on the number of students receiving primary-language instruction in Grades 7 and 8. Because bilingual programs are only mandated for Grades 3–6, most LEP students in Grades 7 and 8 are receiving instruction in English. It would not be reasonable to administer Spanish TAAS to a student receiving instruction in English. Many stated that there are not enough LEP students in Grades 7 and 8 for whom Spanish versions would be appropriate to justify the development of Spanish TAAS because by these grades the Spanish-dominant students should be mostly recent immigrants. An opinion to the contrary was that if TAAS in English is administered at Grades 7 and 8, then TAAS in Spanish needs to be developed at those grades. Another respondent stated that Spanish versions of TAAS should be developed for students in Grades 7 and 8 because then the state would be better able to address the needs of these LEP students. However, several respondents felt that the goal should be to use all of the resources in place at the elementary grades to bring students to an adequate level of proficiency in English by the time they are in middle school. It was thought that Spanish TAAS in Grades 7 and 8 might discourage this.

What do you see as other important issues for limited English proficient students in the state assessment program?

Several issues were mentioned. One respondent viewed the debate over immersion instruction versus bilingual education as an important issue and stated that this decision should be made locally. Several people mentioned that school districts need more funding for their bilingual/ESL programs. Many respondents stated that currently the most critical issue for LEP students is the new statute regarding the one-year limitation on exemptions. Most felt that the statute is unfair to students and that districts should be able to exempt LEP students from TAAS for up to two–three years if necessary.

Benefit-Cost Analysis for Development of TAAS in Spanish at Grades 7 and 8

A benefit-cost analysis is included in this study to help evaluate the need, feasibility, and cost-effectiveness of adding Spanish versions of TAAS at Grades 7 and 8 to the existing assessment system. Costs have been quantified in monetary terms. Benefits, which are mostly conceptual in nature, have been analyzed in terms that are more qualitative than quantitative.

Benefit Analysis

The following questions have been addressed in weighing the benefits of adding Spanish versions of TAAS at Grades 7 and 8.

- How would implementation of the tests affect instruction?
- How suitable would the tests be for the intended purposes?
- How many additional LEP students would be able to test?

Impact on Instruction

Two differing views were expressed during this study with regard to how the addition of TAAS tests in Spanish might affect the instruction of LEP students in Grades 7 and 8. Each view drew support from a number of members of the bilingual education community.

The first view holds that adding Spanish versions would promote instructional changes that would further the academic achievement of Spanish-speaking LEP students, presuming that more bilingual education programs would be implemented in the middle school grades. Extending bilingual education to these grades would make academic instruction more comprehensible to Spanish-speaking students who enter U.S. schools in the late elementary or middle school grades. Additionally, students in bilingual programs at the lower grades might be able to transition more gradually into English instructional settings if needed.

The second view suggests there could be an unintended adverse impact on instruction. An increased focus on academic instruction in Spanish at Grades 7 and 8 could keep students from receiving the intensive English language instruction needed to prepare them to succeed in high school courses and pass the exit level tests that are required for a high school diploma and offered only in English.

Given these two conflicting views, and the uncertainty of whether additional bilingual programs would follow as suggested in the first view, the expansion does not yield definite benefits in this area.

Suitability of the Tests for the Intended Uses

The TAAS tests are used in the Texas assessment and accountability systems for two purposes:

- to measure whether students have mastered the skills of the required curriculum
- to indicate the effectiveness of the instruction schools provide

The first use of TAAS is to indicate to students, parents, and educators whether students have succeeded in learning what Texas schools require. Students who fail TAAS are required to receive intensive instruction in the areas of weakness indicated by the test results. Students who do not pass the exit level tests are not eligible to receive a high school diploma. Beginning in the 2002–2003 school year, students in Grade 3, and later in Grades 5 and 8, will be required to pass certain subject area tests in order to be promoted to the next grade. Because the uses of TAAS include determining the need for remediation in specific skills and making decisions about retention and promotion, both the English and Spanish versions must be used in a way that shows accurately which skills students have mastered and which ones they have not. If TAAS is administered in Spanish at Grades 7 and 8, it will measure

specific mathematics and social studies content as well as the ability to read at grade level in Spanish, use appropriate Spanish grammar, and understand academic terminology in Spanish that is needed to perform skills in mathematics and social studies. Using Spanish versions with students who have not received instruction in Spanish would cause concern in areas such as equity, opportunity to learn, and test validity.

The second use of TAAS is to hold schools accountable for providing students with a quality education. TAAS scores are one of three base indicators that determine whether a district is rated as exemplary, recognized, academically acceptable, or academically unacceptable. The use of Spanish TAAS to narrow TAAS exemption periods for immigrant LEP students has raised two primary concerns regarding fairness in the accountability rating system. The first instance revolves around administering TAAS in Spanish to immigrants who have had inadequate schooling in their country of origin. Spanish may be their dominant language, but they may have had little schooling before coming to the U.S. The second instance is when an immigrant who has not had time to become proficient in English is given a TAAS test in Spanish even though English was the language of the required curriculum.

Given the uses of TAAS for student and school accountability, TAAS tests in Spanish are suitable when used to measure students who have received their academic instruction in Spanish.

Projected Increase in LEP Student Participation

When considering how many more LEP students might be assessed if TAAS in Spanish is added at Grades 7 and 8, it is useful to examine how LEP students are assessed in the current system. Appendices G and H show current TAAS participation rates for LEP students, and breakdowns are provided to distinguish between participation of LEP students whose primary language is Spanish and LEP students whose primary language is other than Spanish. This information is also disaggregated to show whether the students are served in bilingual or ESL programs.

For a number of reasons, it is not possible to use current assessment data to project with certainty the number of students who might take TAAS tests in Spanish at Grades 7 and 8. First, the new one-year exemption policy will affect assessment decisions differently. Second, some students currently administered TAAS tests in English may be given tests in Spanish if a Spanish option is available. Third, over time there may be an increase in bilingual programs at these levels, which would increase the number of students tested in Spanish.

One way to estimate this number would be to base the participation rates for Spanish TAAS in Grades 7 and 8 on those of Grade 6. In the spring 2000 Grade 6 Spanish TAAS administration, 1,273 out of the 33,717 LEP students took TAAS in Spanish. As shown below, at this participation rate, which is 3.8%, the number of 7th and 8th graders that might be added to the system would be approximately 1,000 per grade.

EXHIBIT 6

SPRING 2000 TAAS PARTICIPATION OF LEP STUDENTS IN GRADES 6, 7, AND 8

ALL LEP STUDENTS	TOTAL ANSWER DOCUMENTS	TOTAL TESTED IN SPANISH	PARTICIPATION RATE
Grade 6	33,717	1,273	3.8%
Grade 7	28,234	N/A	N/A
Grade 8	25,151	N/A	N/A

PROJECTED PARTICIPATION OF STUDENTS IN GRADES 7 AND 8 BASED ON SPRING 2000 GRADE 6 PARTICIPATION RATE OF 3.8%

ALL LEP STUDENTS	TOTAL ANSWER DOCUMENTS	TOTAL TESTED IN SPANISH	PARTICIPATION RATE
Grade 7	28,234	1,073	3.8%
Grade 8	25,151	956	3.8%

A second way to estimate this number would be to assume that schools would administer TAAS in Spanish only to students in bilingual programs who receive instruction in Spanish. The table below displays how Spanish-speaking students in bilingual programs in Grades 7 and 8 were included in the spring 2000 TAAS administration.

EXHIBIT 7

Spring 2000 TAAS participation of Spanish-speaking students in bilingual programs in Grades 7 and 8

TAAS Participation Category	Grade 7	Grade 8
Tested with TAAS in English	239	117
LEP-Exempt	127	72
ARD-Exempt	74	21
Absent	4	2
Others Not Tested	1	23
Total Students	**445**	**235**

Of the 445 students in Grade 7 and 235 students in Grade 8 who were identified as enrolled in bilingual programs, 127 students in Grade 7 and 72 students in Grade 8 received a LEP exemption in the spring 2000 administration. If all of the exempted Spanish-speaking LEP students in bilingual programs were given TAAS in Spanish, the Spanish versions could be estimated to add 100–200 students per grade to the assessment system. This is probably a low estimate because districts would likely give TAAS in Spanish to some new immigrants in ESL programs whose recent instruction in Spanish would make assessment in Spanish viable.

In either method used, the number of LEP students that would be added to the TAAS program at Grades 7 and 8 does not exceed approximately 1,000 students per grade.

Cost Analysis

The projected cost of adding Spanish versions of TAAS at Grades 7 and 8 uses the subject areas that will be tested under TAAS II. Projections are based on current test development costs and number of students tested, both of which may increase by the time TAAS II is implemented. For private schools to purchase and administer TAAS tests voluntarily, the Texas Education Agency, as required by law, provides the current annual per test cost for each TAAS test. These data appear in Appendix F and are the basis for this cost analysis.

The variations in per test cost across grade levels, for both TAAS in English and TAAS in Spanish, are largely a function of variable costs associated with the number of subjects tested and the number of students tested. The figures cover costs for developing tests and ancillary administration materials; printing, packaging, and shipping test materials; scoring tests; and reporting results.

Currently the per grade costs of the TAAS tests are the same for Grades 5 through 7, where the subjects tested are the same and the number of students is quite similar. The costs for the Grades 5 and 6 Spanish TAAS tests, which both include the subject areas of reading and mathematics, are the same. The total per grade costs remain constant across these two grades even though the number of students, based on the total answer documents submitted, varies from 6,714 at Grade 5 to 1,533 at Grade 6 (see Appendix F). This analysis assumes, therefore, that the per grade cost would be the same for any number of students up to 6,714 who take a reading and mathematics test.

The costs for Spanish versions at Grades 7 and 8 are based on the assumptions above and the understanding that the Grade 7 assessment would include tests in reading, mathematics, and writing, and the Grade 8 assessment would include tests in reading, mathematics, and social studies. The costs of developing social studies, mathematics, and reading tests are similar. However, the costs of developing and administering a writing test are more than three times the costs of the other subject areas because the writing test requires students to write a composition that must be handscored.

The estimated annual cost for the development and administration of TAAS in Spanish at Grade 7 is $600,000 and at Grade 8 is $325,000. Using the figure 1,000, which is an approximate number

of students to be added to the assessment system per grade based on earlier calculations, the estimated cost for Grade 7 is $600 per student and the estimated cost for Grade 8 is $325 per student. These estimated costs do not include staff resources (full-time employees or contracted professionals) that would be necessary for an expansion of the assessment program.

Summary of Benefit-Cost Analysis

The costs of Spanish-version tests for Grades 7 and 8 are high but not prohibitive if they yield definite benefits to students. However, this analysis shows few benefits at this time. Moreover, expansion of the assessment system for only one language group risks the unequal treatment of students from other language groups who are in the same classrooms and instructional programs but are not offered native language tests as an alternative. In addition, there are technical problems associated with the development of the Spanish-version writing test at Grade 7. Because of the small number of students projected to take it, students from other grades or other states would have to be included in the field testing in order to have a large enough sample of student responses to judge the quality of proposed test questions.

The current system as it has evolved with the recent implementation of the RPTE provides the benefits addressed in this analysis. The RPTE assesses the extent to which LEP students are acquiring the ability to read and understand academic English. It measures the essential knowledge and skills from the TEKS that LEP students in both bilingual and ESL programs are required to learn, and includes all LEP students in the assessment system with a test that will measure them appropriately until they take TAAS in English. This test will help districts ensure that LEP students are making the steady annual progress in reading that is prerequisite to their success in English academic settings.

Chapter 3: Summary of Findings

This study's goal has been to provide information that will enable sound judgments to be made about how best to expand or modify the current assessment system for limited English proficient students. The findings of the study, offered in response to the two main questions that guided the research, are given below.

Study Question 1:

Should Spanish versions of TAAS be added at Grades 7 and 8?

Finding:

The addition of TAAS tests in Spanish at Grades 7 and 8 is not advisable at this time.

Study Question 2:

Should any other changes to the assessment system be made for Spanish-speaking LEP students or LEP students with a primary language other than Spanish?

Findings:

Limiting TAAS exemptions to the first year in U.S. schools is not advisable. The exemption policy should be expanded to allow LEP students for whom a primary language assessment is unavailable or inappropriate more time to acquire the language proficiency needed to demonstrate their academic skills in a valid, reliable, and equitable manner on TAAS.

The RPTE provides an appropriate way to include all LEP students in the assessment system who are not yet taking TAAS in English.

Addition of TAAS in Spanish at Grades 7 and 8

The activities undertaken in this study—from seeking the advice of national experts and obtaining input from Texas professionals to examining the literature that addresses the role of native language assessments in state assessment systems — suggest that assessments in Spanish are inadequate accountability measures for students whose academic instruction is delivered in English. Assessments in Spanish require students to read at grade level in Spanish and know the Spanish academic terminology associated with that grade's knowledge and skills, as well as the rules of Spanish grammar and usage if a writing test is administered. If ESL students, whose instruction is in English rather than Spanish, are required to take TAAS in Spanish, they will be required to know certain material that they were not required to learn. Because Spanish TAAS results are used in the accountability rating system, ESL teachers will be held accountable for teaching content that requires knowledge of a language they may not know.

On the other hand, Spanish-version assessments can be quite useful tools for measuring the learning of students who receive academic instruction in Spanish, as is the case in bilingual education programs. During the time these students cannot be assessed appropriately in English, Spanish-version tests allow their academic progress in reading, writing, and mathematics to be measured and included in state assessment data. The decision, then, of whether to add Spanish-version tests in Grades 7 and 8 depends largely on determining how many students are in bilingual education programs at those grades and whether the numbers of students are sufficient to justify the cost of test development. Based on data from the spring 2000 TAAS administration, 445 Spanish-speaking students in Grade 7 and 235 Spanish-speaking students in Grade 8 were in bilingual programs. Statewide, 127 of these 7th graders and 72 of these 8th graders received a LEP exemption from TAAS. These figures indicate that currently there are few students for whom Spanish-version tests would be appropriate.

Equity across language groups is another factor that was weighed in examining whether it was advisable to add Spanish-version tests at Grades 7 and 8. Although more than 90 percent of the state's LEP students are Spanish-speaking, many other language groups are also represented.

Because the number of Spanish-speaking students in bilingual programs is so small at these grades, there was need to examine whether there were similar numbers of bilingual program participants in any other language groups who would also benefit from primary language assessments. According to spring 2000 TAAS data, the bilingual participation in Grades 3 through 8 of students whose primary language was other than Spanish, as indicated by ethnicity codes other than Hispanic, did not exceed 150 students statewide in any grade. Further, statewide, fewer than 30 non-Spanish-speaking students identified as participating in a bilingual program received a LEP exemption in any grade. These numbers, which represent all the non-Spanish language groups combined, are very small. However, given the diversity of languages spoken by LEP students in Texas and the potential for change in demographics, proposals to add tests in other languages must always take into careful account the issue of equity.

Besides the fact that there are few students in bilingual education programs in Grades 7 and 8 who would currently benefit from Spanish versions of TAAS, bilingual educators have mixed views about whether adding Spanish versions at these grades would have a positive or a negative impact on instruction. Some bilingual educators believe that having TAAS in Spanish would lead to more academic instruction in Spanish, which would make academic content more comprehensible to students who are still struggling to understand English. Other bilingual educators support a strong Spanish-language component in the elementary grades but advocate an ESL approach at the higher grades to ensure that Spanish-speaking LEP students are afforded the educational experiences to develop the strong academic skills in English needed in high school. With these differing views and the need for students to be fluent in English to meet high school course and testing requirements, a clear case cannot be made at this time that assessment in Spanish at Grades 7 and 8 will better prepare students to meet graduation requirements. In addition, if Spanish TAAS tests are added at Grades 7 and 8, the fact that Spanish versions are not available at Grades 9 and 10 will need to be addressed because TAAS II will introduce annual assessments at these grades.

TAAS Exemptions

During the course of this study, much concern was expressed about limiting TAAS exemptions to one year. No support from the field could be found to suggest that if quality instruction is delivered, LEP students who start a school year knowing no English can end the year understanding enough English to demonstrate their academic skills reliably on a test written for mainstream English speakers. In order for the Texas assessment system to fulfill its purpose, the assessment results must be meaningful to schools and meet the standards of validity and reliability required for educational testing. According to the statewide survey administered for this study, most respondents believe that it takes at least three years for most LEP students to become proficient enough in English to demonstrate their academic progress meaningfully on a standardized test like TAAS.

Suitability of the RPTE

During this study educators have echoed the need to include all students in appropriate assessments. The solution that they have offered repeatedly is to use the RPTE to measure LEP students' academic progress in reading until they are ready to be assessed with TAAS in English. From an instructional standpoint, the RPTE will provide information, both at the local and state levels, about the progress LEP students are making in acquiring the reading skills they will need for academic success when they transition to mainstream instructional settings. From an assessment standpoint, the RPTE will provide information to help determine when LEP students can read English well enough to participate meaningfully in TAAS in English.

The RPTE and TAAS reading tests form a sequential and cohesive system of measurement. The RPTE measures three levels of proficiency: beginning, intermediate, and advanced. These levels precede the level of proficiency needed to

read and understand TAAS in English. The RPTE provides information about both how much English students can understand and how well they are developing the reading skills that the TEKS require Texas students to be taught annually.

Performance at the advanced level on the RPTE indicates that the effect of the acquisition of English on a LEP student's ability to read and understand grade-level texts in English is now minimal. A rating of advanced on the RPTE is not intended to predict a passing score on TAAS. It is intended, however, to indicate to schools that with another year of instruction students should be ready for the level of reading required for TAAS. In the spring 2000 RPTE administration, between half and two-thirds of the LEP students who had been in U.S. schools for three or more years achieved a rating of advanced on the RPTE.

The use of the RPTE in the Texas assessment system will allow all LEP students to participate in a valid and reliable assessment of their progress until TAAS in English is deemed appropriate. LEP students in Texas, as summarized below, all stand to benefit from this assessment.

LEP students in Grades 3 through 6 who take TAAS in Spanish. In spring 2000, this number totaled almost 40,000. Approximately 95 percent of these students were identified as participating in a bilingual program.

Other Spanish-speaking LEP students in Grades 3 through 8. In spring 2000, almost 13,000 students in Grades 3 through 6 and 8,000 additional students in Grades 7 and 8 received LEP exemptions from TAAS. Of these students almost 15,000 were reported as participating in an ESL program.

LEP students in Grades 3 through 8 whose primary language is other than Spanish. In spring 2000, the number of these students who received a LEP exemption was about 4,000. About 70 of these students were identified as participating in a bilingual program. The others were in an ESL program.

LEP students at the exit level. These students are not eligible for a LEP exemption but may receive a one-time postponement from the first administration of the test if they have been in U.S. schools for less than 12 months. The number of LEP students who received a postponement in spring 2000 was 952. The total number of LEP students in Grades 10, 11, and 12 as reported in PEIMS for 1999–2000 was approximately 40,000. The RPTE will allow the educational community to monitor the English acquisition and reading skills of these students as they strive to meet the exit level testing requirements.

During this study, a number of stakeholders expressed the desire for the state to develop tests in addition to the RPTE that would measure mathematics, science, etc., in a manner that takes second language acquisition into account. Such tests would allow them to monitor the progress that LEP students make in other content areas until TAAS in English is deemed appropriate. At the time of this study, however, there are several reasons why such test development would be problematic. First, the desire to add tests seems counterbalanced with a concern that LEP students already take many tests each year for purposes of statewide assessment and program placement and exit. Additionally, testing in other content areas would require a separate assessment system for LEP students, which may not be cost-effective given that (1) the number of LEP students not taking TAAS in Spanish who are also not ready for TAAS in English is relatively small and (2) the temporary nature of limited English proficiency results in most eligible students acquiring the proficiency necessary for TAAS within a few years. Such tests could also result in a lowering of the standards of achievement for LEP students, and limited English proficiency would still confound the achievement measure for some students despite attempts to keep the English on the test as simple as possible. The RPTE, while it does not assess all the academic areas, does assess reading, which is critical to long-term academic success in all subject areas. In view of the problems associated with assessing mathematics and other academic content using standardized measures, monitoring progress in these areas until students

are ready for TAAS is best handled through local assessment procedures.

The national call to include all students in appropriate assessment and accountability measures has brought the educational needs of LEP students into full focus. Texas has responded to this call by adding Spanish versions of TAAS for students receiving instruction in Spanish and implementing the RPTE, which allows for the appropriate inclusion of all LEP students in the state testing program until they are ready to take TAAS in English. What Texas learns from the use of these assessments will no doubt contribute greatly to future initiatives concerning the instruction and assessment of its LEP students.

Appendix A: Bibliography of Sources for Literature Review

Abbott, M. (1985). "Theoretical Considerations in the Measurement of English Language Proficiency of Limited English Proficient Students." Paper presented at the annual meeting of the National Council on Measurement in Education.

American Educational Research Association, American Psychological Association, and National Council on Measurement in Education. (1999). *Standards for Educational and Psychological Testing.* Washington, DC: American Educational Research Association.

Ascher, C. (1990). "Assessing Bilingual Students for Placement and Instruction." *ERIC Clearinghouse on Urban Education Digest*, 65.

August, Diane and Hakuta, Kenji, Editors. (1998). *Educating Language-Minority Children.* Washington, DC: National Research Council and Institute of Medicine.

August, Diane and Hakuta, Kenji, Editors. (1994). "For All Students: Limited English Proficient Students and Goals 2000." *NCBE FOCUS: Occasional Papers in Bilingual Education*, 10.

August, Diane and Hakuta, Kenji, Editors. (1997). *Improving Schooling for Language-Minority Children: A Research Agenda.* Washington, DC: National Research Council and Institute of Medicine.

August, Diane. (1996). *Proceedings of the Conference on Inclusion Guidelines and Accommodations for Limited English Proficient Students in the National Assessment of Educational Progress.* Washington, DC: National Center for Education Statistics, Office of Educational Research and Improvement, U.S. Department of Education.

Baker, E.L. (1992). "Issues in Policy, Assessment, and Equity." *Proceedings of the Second National Research Symposium on Limited English Proficient Student Issues: Focus on Evaluation and Measurement*, 2. Washington, DC: U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs.

Burnham-Massey, L., and Pina, M. (1990). "Effects of Bilingual Instruction on English Academic Achievement of LEP Students." *Reading Improvement*, 27 (2), 129–132.

Canales, J. (1994). "Alternative Assessments: Measuring the Linguistic, Cognitive, and Affective/Social Performance of Language-Minority Students." Paper presented at the annual conference of the National Association for Bilingual Education, OBEMLA Professional Development Institute.

Council of Chief State School Officers. (1996). *Systemic Reform and Limited English Proficient Students.* Washington, DC.

Cummins, J. (1989). *Empowering Minority Students.* Sacramento, CA: California Association for Bilingual Education.

Cummins, J. (1984). "Empowering Language-Minority Students: A Framework for Intervention." *Harvard Educational Review*, 56, 18–35.

Cummins, J., et al. (1984). "Linguistic Interdependence among Japanese and Vietnamese Immigrant Students." *Communicative Competence Approaches to Language Proficiency Assessment: Research and Application*, 60–81.

Cummins, J. (1999). "Alternative Paradigms in Bilingual Education Research: Does Theory Have a Place?" *Educational Researcher*, October, 26–32.

DeAvila, E. (1994). "Recommendations for Educational Assessment Concerning Language-Minority Students." Paper presented at National Association for Bilingual Education Conference.

DeAvila, E. (1990). "Assessment of Language-Minority Students: Political/Technical/Practical and Moral Imperatives." Paper presented at National Symposium on Limited English Proficient Students' Research Issues.

Gandara, P. and Merino, B. (1993). "Measuring the Outcomes of LEP Programs: Test Scores, Exit Rates and Other Mythological Data." *Educational Evaluation and Policy Analysis*, 22 (3).

Garcia, Gil. (1998). "How Long Does it Take English Language Learners (ELLs) to Learn English?" *AskNCBE*, 16.

Gerstein, R. (1985). "Structured Immersion For Language-Minority Students: Results of a Longitudinal Evaluation." *Educational Evaluation and Policy Analysis*, 7 (3), 187–196.

Hafner, A., et al. (1995). *Ensuring Equity in Statewide Assessment Programs: Finding from a National Survey on Assessment Policies and Practices for LEP Students*. Arlington, VA: The George Washington University Evaluation Assistance Center.

Hakuta, Kenji. (1986). *Mirror of Language: The Debate on Bilingualism*. New York: Basic Books.

Hoover, W. (1982). *Language and Literacy Learning in Bilingual Education: Preliminary Report*. Cantonese site analytic study. Austin, TX: Southwest Educational Development Laboratory. (ED 245 572).

Houston Independent School District Research and Accountability Departments. (2000). Program Evaluation 2000 Requirement of the Houston Independent School District Multilingual Program.

IDRA. (1997). Policy. IDRA Focus. *IDRA Newsletter*, 24 (7).

Kopriva, Rebecca. (2000). *Ensuring Accuracy in Testing for English Language Learners*. Washington, DC: Council of Chief State School Officers.

Krashen, S. (1997). *Why Bilingual Education?* ERIC Digest.

Krashen, S. (1996). *Under Attack: The Case Against Bilingual Education*. Culver City, CA: Language Education Associates.

Liu, Kristin, et al. (1997). A Review of the Literature on Students with Limited English Proficiency and Assessment. *State Assessment Series: Minnesota, Report 11*. ERIC Clearinghouse.

Liu, Kristin, et al. (1996). "Resources: Limited English Proficient Students in National and Statewide Assessments." *State Assessment Series: Minnesota, Report 8*. ERIC Clearinghouse.

McLaughlin, B., et al. (1996). *Educating All Our Children: Improving Education for Children from Culturally and Linguistically Diverse Backgrounds*. Washington, DC: U.S. Department of Education.

McLaughlin, B. (1987). *Theories of Second Language Learning*. London: Edward Arnold.

Michigan Educational Assessment Program. (1999). LEP Assessment and Accommodations. unpublished document. Lansing, MI: Michigan Department of Education.

Nass, Richard B., et al. (1996). Language in Schools. *Monograph No. 41.* ERIC Clearinghouse.

NCBE. (1997). *High Stakes Assessment: A Research Agenda for English Language Learners.* Symposium Summary.

NCBE. (1995). "How Does Native Language Development Influence Academic Achievement in a Second Language?" *AskNCBE,* 4.

Phillips, S.E. (1996). "Legal Defensibility of Standards: Issues and Policy Perspectives." *Educational Measurement: Issues and Practice,* 5–13.

Porter, R. P. (1990). *Forked Tongue: The Politics of Bilingual Education.* New York: Basic Books.

Pucci, S. L. (1994). "Supporting Spanish Language Literacy: Latino Children and Free Reading Resources in Schools." *Bilingual Research Journal,* 18 (1–2), 67–82.

Pushpam, Jain. (1997). *Issues on LEP Assessment: An Annotated Bibliography.* Washington, DC:CCSSO.

Ramirez, J. David, et al. (1991). *Longitudinal Study of Structured English Immersion Strategy, Early-Exit and Late-Exit Transitional Bilingual Education Programs for Language-Minority Children.* Final Report, Vols. 1 & 2. San Mateo, CA: Aguirre International. (ED 330 216).

Rivera, Charlene, et al. (1996). "Statewide Assessment Programs." *Policies and Practices for the Inclusion of Limited English Proficient Students.* Washington, DC: ERIC/AE Digest.

Rodriguez-Brown, F. and Elias-Olivares, L. (1981). "A Search for Congruency in Language Proficiency Testing: What the Tests Measure—What the Child Does." Paper presented at the annual meeting of the American Educational Research Association.

Rossell, C., and Baker, R. (1996). "The Educational Effectiveness of Bilingual Education." *Research in the Teaching of English,* 30(1), 7–74.

Shin, F. (1994). "Attitudes of Korean Parents Toward Bilingual Education." *BE Outreach Newsletter.* California State Department of Education, 5(2), 47–48.

Shin, F., and Gribbons, B. (1996). "Hispanic Parents' Perceptions and Attitudes of Bilingual Education." *Journal of Mexican-American Educators,* 16–22.

Smith, F. (1994). *Understanding Reading: A Psycholinguistic Analysis of Reading and Learning to Read* (5th ed.). Hillsdale, NJ: L. Erlbaum.

Texas Education Agency. (2000). *Texas Reading Proficiency Tests in English, Information Guide.* Austin, TX.

Texas Education Agency. (2000). *Spanish TAAS Test Development Process for Reading and Mathematics.* Austin, TX.

Thurlow, Martha, et al. (1996). "Accommodations for Students with Limited English Proficiency: Analysis of Guidelines from States with Graduation Exams." *State Assessment Series: Minnesota, Report 6.* ERIC Clearinghouse.

Tobias, R. (1990–1994). *Education Progress of Students in Bilingual and ESL Programs: A Longitudinal Study.* OER Report.

Tyler, Doris and Cowan, Jane. (1996). *Guidelines for Testing Students with Limited English Proficiency.* North Carolina Statewide Testing Program Grades 3–12.

U.S. Department of Education (1999). *Nondiscrimination in High-Stakes Testing: A Resource Guide* (draft).Washington, DC.

Verhoeven, L. (1991). "Acquisition of Literacy." *Association Internationale de Linguistique Appliquee (AILA) Review*, 8, 61–74.

Willig, A. (1985). "A Meta-Analysis of Selected Studies on the Effectiveness of Bilingual Education." *Review of Educational Research*, 55, 269–316.

Zehler, Annette M., et al. (1994). *An Examination of Assessment of Limited English Proficient Students.* Arlington, VA: Special Issues Analysis Center.

Appendix B: Regional Focus Group Meetings/ Input Received from Questionnaires

The 49 written responses to the questionnaires received by BETA from the focus group meetings reflect many points of view about the assessment of LEP students in the state of Texas.

- The two respondents from the Lubbock area supported the development of TAAS in Spanish at Grades 7 and 8.
- Of the 26 respondents from the Edinburg area and the 4 respondents from the El Paso area, about half believed that Spanish versions of TAAS at Grades 7 and 8 would serve their students and districts. A respondent from the Edinburg meeting stated, "Immigrant students continue to impact R.G. [Rio Grande] Valley schools and other Texas school districts. They need an equal opportunity at the educational process." Respondents stated that there is also a need for qualified teachers and appropriate materials for LEP students.
- Of the 13 respondents from the Houston, San Antonio, and Fort Worth areas, few individuals supported the development of Spanish TAAS at Grades 7 and 8. Several respondents from around the state asserted that language of assessment should match language of instruction, and that throughout the state most LEP students in Grades 7 and 8 are enrolled in an ESL program. A respondent from the Houston meeting said, "I have great difficulty assessing students in a language other than the language of instruction."
- Regarding LEP students whose first language is not Spanish or English, some respondents stated that whatever is done for Spanish-speaking LEP students should also be done for speakers of other languages.
- A large number of respondents supported using the RPTE as a means of showing readiness for English TAAS. All of the respondents from the Fort Worth meeting supported the use of the RPTE for students who are acquiring the ability to read in English, as did some respondents from other areas. A Houston area respondent stated, "I believe that the modification that should be made to fairly assess Spanish-speaking [students], as well as speakers of other languages, is to implement the RPTE yearly until the results reflect sufficient growth and skills in order to take TAAS."
- The suggestion was also made to develop content area tests in English in mathematics, science, and social studies that take into account a student's limited ability to read in English.
- A concern mentioned by a respondent from the El Paso area was that the inclusion of the RPTE in the accountability system might lead districts to teach LEP students exclusively in English and ignore the benefits of primary language instruction. At the same time, a respondent from the Fort Worth area stated that the RPTE should be included in the accountability system.
- Another concern of several respondents was in regard to the new exemption law regarding the assessment of LEP students. All concerned about the law stated that one year is not sufficient time for a student to acquire the necessary skills in language and/or the state curriculum to pass the TAAS. A respondent from the Lubbock area stated, "A one-year 'grace period' is much too short, particularly with secondary students who are more set in their [home] language. I recommend a two to three year time period."
- Other comments made by respondents included concerns about too many testing requirements for LEP students and cautions about considering cultural differences as well as language development in examining the appropriateness of assessments.

Appendix C: Results of Statewide Survey

Specific information received from the statewide survey is shown in the following charts. The results were tabulated to include demographic variables for each region and the state as a whole.

	Expand Spanish TAAS to 7 and 8	Spanish TAAS not viable	TAAS inappro-priate if given too soon	One-year exemption rule not appropriate	TAAS readiness depends on individual/ grade	LEP students over-tested	More English instruction needed	Use RPTE to determine TAAS readiness	Develop tests for languages other than Spanish
Region 1									
Administrators	3	12	0	57	0	14	3	5	0
Teachers	18	21	1	177	71	9	14	46	0
Parents	5	2	1	10	5	5	3	2	0
Students	3	1	1	0	0	0	0	0	0
Other	8	8	0	0	0	0	0	0	0
Total	37	44	3	244	76	28	20	53	0
Region 2									
Administrators	0	0	0	0	0	0	0	2	0
Teachers	0	0	0	0	0	0	0	0	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	2	0
Region 3									
Administrators	0	0	0	0	0	0	0	0	0
Teachers	1	0	0	1	1	1	0	1	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
Total	1	0	0	1	1	1	0	1	0
Region 4									
Administrators	3	0	1	61	11	29	2	11	8
Teachers	9	1	8	176	35	24	22	11	26
Parents	0	0	0	17	4	1	11	1	1
Students	0	0	1	1	2	0	6	0	1
Other	0	0	1	10	0	5	2	3	0
Total	12	1	11	265	52	59	43	26	36
Region 5									
Administrators	0	0	0	0	0	1	0	0	0
Teachers	0	0	2	6	0	0	0	6	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	1	0	3	4	8	0	0	0	0
Total	1	0	5	10	8	1	0	6	0

	Expand Spanish TAAS to 7 and 8	Spanish TAAS not viable	TAAS inappro-priate if given too soon	One-year exemption rule not appropriate	TAAS readiness depends on individual/ grade	LEP students over-tested	More English instruction needed	Use RPTE to determine TAAS readiness	Develop tests for languages other than Spanish
Region 6									
Administrators	0	0	0	8	2	2	0	6	0
Teachers	0	1	1	11	7	1	2	5	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	1	0	4	0	0	0	1	0
Total	0	2	1	23	9	3	2	12	0
Region 7									
Administrators	0	0	0	4	2	1	0	0	0
Teachers	6	0	2	23	4	2	0	4	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	1	2	0	2	0	0
Other	1	0	0	2	2	1	0	0	0
Total	7	0	2	30	10	4	2	4	0
Region 8									
Administrators	0	0	0	0	0	0	0	0	0
Teachers	1	4	3	15	4	2	2	4	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	3	1	0	0	0	0
Total	1	4	3	18	5	2	2	4	0
Region 9									
Administrators	0	0	1	2	1	0	0	0	0
Teachers	2	1	1	19	3	0	0	10	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	1	1	0	0	0	0
Total	2	1	2	22	5	0	0	10	0
Region 10									
Administrators	2	1	105	50	8	3	1	37	9
Teachers	34	24	625	680	162	74	31	159	36
Parents	4	0	83	177	12	2	4	84	3
Students	0	0	4	7	1	0	2	0	0
Other	3	2	27	82	17	12	2	39	2
Total	43	27	844	996	200	91	40	319	50
Region 11									
Administrators	1	4	1	23	2	1	0	4	0
Teachers	4	15	6	224	67	11	8	28	9
Parents	0	0	0	3	0	5	2	12	0
Students	0	0	0	0	0	0	0	0	0
Other	0	2	5	27	4	0	1	4	1
Total	5	21	12	277	73	17	11	48	10

BEST COPY AVAILABLE

	Expand Spanish TAAS to 7 and 8	Spanish TAAS not viable	TAAS inappropriate if given too soon	One-year exemption rule not appropriate	TAAS readiness depends on individual/ grade	LEP students over-tested	More English instruction needed	Use RPTE to determine TAAS readiness	Develop tests for languages other than Spanish
Region 12									
Administrators	0	2	1	5	6	2	0	2	0
Teachers	0	0	0	10	3	1	1	1	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	5	0	0	0	0
Total	0	2	1	15	14	3	1	3	0
Region 13									
Administrators	3	0	0	5	4	2	1	0	
Teachers	3	1	2	15	16	7	0	6	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	3	1	0	0	0	0
Total	6	1	2	23	21	9	0	7	0
Region 14									
Administrators	0	0	0	3	1	0	0	1	0
Teachers	1	0	0	6	7	0	0	1	0
Parents	0	0	0	0	0	0	0	1	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
Total	1	0	0	9	8	0	0	3	0
Region 15									
Administrators	1	0	0	5	2	1	0	0	0
Teachers	5	0	0	10	2	0	0	1	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
Total	6	0	0	15	4	1	0	1	0
Region 16									
Administrators	1	0	0	2	2	1	1	2	0
Teachers	1	1	0	5	0	2	0	0	0
Parents	0	0	0	1	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	1	1	0	0	0	0
Total	2	1	0	9	3	3	1	2	0
Region 17									
Administrators	1	0	0	4	1	0	0	0	0
Teachers	3	0	0	7	5	0	0	0	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	0	0	0
Other	0	0	0	1	0	0	0	0	0
Total	4	0	0	12	6	0	0	0	0

BEST COPY AVAILABLE

	Expand Spanish TAAS to 7 and 8	Spanish TAAS not viable	TAAS inappro-priate if given too soon	One-year exemption rule not appropriate	TAAS readiness depends on individual/ grade	LEP students over-tested	More English instruction needed	Use RPTE to determine TAAS readiness	Develop tests for languages other than Spanish
Region 18									
Administrators	3	1	0	2	5	3	1	1	0
Teachers	2	1	0	1	21	1	0	0	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	0	0	0	1	0	0
Other	0	0	0	0	0	0	1	0	2
Total	5	2	0	3	26	4	3	1	2
Region 19									
Administrators	0	0	0	1	0	0	0	0	0
Teachers	4	4	3	16	16	6	2	2	0
Parents	0	0	0	0	0	0	0	0	0
Students	0	0	0	1	0	1	0	0	0
Other	1	0	0	0	0	0	0	0	0
Total	5	4	3	18	16	7	2	2	0
Region 20									
Administrators	6	3	2	10	6	3	3	2	2
Teachers	8	4	1	19	15	1	6	6	2
Parents	7	0	0	0	0	1	2	0	0
Students	0	1	1	2	2	5	10	1	1
Other	1	0	2	1	0	0	1	0	
Total	22	8	4	33	24	10	21	10	5
Total per category									
All Regions	160	118	893	2,023	561	243	148	514	103

Appendix D: Individual Interviews with Stakeholders and Legislators

BETA staff interviewed selected stakeholders to gather their opinions on issues concerning the testing of LEP students in Texas. Below are the topics that were discussed and a summary of the opinions expressed at each interview.

- The Reading Proficiency Tests in English (RPTE) have now been introduced into the assessment program to measure growth in the learning of English. Please share your views on this new assessment and how it should be used in the future.
- Determining when a limited English proficient student is ready to take TAAS in English or Spanish continues to be a major policy issue in Texas. What do you think the criteria for exemption or inclusion should be? Should the policy be the same for Spanish-speaking students and students with a primary language other than Spanish or English?
- Spanish versions of TAAS are available in Grades 3, 4, 5, and 6. Should Spanish versions be developed for Grades 7 and 8? Express the pros and cons of this expansion.
- What do you see as other important issues for limited English proficient students in the state assessment program?

Mary Helen Berlanga, from the Texas State Board of Education, said that the RPTE is a good objective instrument that districts can use to get information about how well students are learning English. She commented that she didn't think that the RPTE results should be included in the accountability system; its purpose should be to help school districts help children. Ms. Berlanga felt that school districts should be allowed some degree of flexibility when deciding how many years a LEP student should be exempted from TAAS; one year may be appropriate for some students while other students may need two years. Ms. Berlanga felt that districts should not be allowed to exempt students for three years. When making decisions about exemption and inclusion, LEP students should be treated the same regardless of students' native language. Ms. Berlanga said that Spanish TAAS should not be developed at Grades 7 and 8 because it would not make sense to test these students in Spanish when they are not being instructed in Spanish; assessment should be aligned to instruction. Ms. Berlanga expressed concern about LEP students who enter the school system at Grade 10 because these students are required to pass the exit level TAAS in English in order to graduate.

Carolyn Bukhair and David Tiffin, Superintendent and Assistant Superintendent of Richardson ISD, and Anne Foster, President of the Richardson ISD Board of Trustees, strongly support the development of the RPTE and said that their district would use the RPTE when deciding whether to exempt students from TAAS. Richardson ISD, with 68 languages represented in the district, believes that the RPTE will benefit ESL students, as well as those in bilingual programs. The district also supports use of the RPTE for accountability purposes for LEP students until the TAAS is an appropriate assessment instrument for them. Dr. Bukhair maintained that Richardson's bilingual program focuses on moving LEP students into English programs by the time they are in middle school, so Spanish TAAS at Grades 7 and 8 would not be appropriate for these students. All three interviewed expressed great concern about the new one-year exemption limit. Ms. Foster and Dr. Bukhair agreed that districts need to have up to three years to get students proficient in English and stated that the new one-year limit on exemptions is unrealistic and will set students and teachers up for failure.

Albert Cortez, from the Intercultural Development Research Association (IDRA), commented that IDRA believes that the RPTE has a place in the assessment system, but that it should be used in combination with other

indicators, such as teacher judgment, when deciding whether students should take English TAAS. He maintained that when it comes to exemption or inclusion policies, provisions should be the same for all LEP students regardless of the native language. Dr. Cortez stated that the issue of the number of years of exemption should not be tied to some arbitrary number set by the state; the decision should be tied to measures of the student's ability. He also maintained that the decision to develop Spanish TAAS in Grades 7 and 8 should be based on the number of students that are receiving native-language instruction at those grades.

Domingo Garcia, State Representative, said that many parents and administrators have told him that the RPTE was long overdue. Prior to the RPTE, many of these LEP students were not being tested. Mr. Garcia stated that the RPTE gives important information about how LEP students are progressing and how bilingual education and ESL programs are working in Texas. He also feels that the RPTE will help the state determine if adequate resources are being made available to this large group of children. Mr. Garcia mentioned that he has received some objections to the RPTE from school districts that are concerned about the scores being included in the evaluations to determine school ratings. Mr. Garcia maintained that one year should be sufficient time to get students prepared to either take TAAS in English or Spanish. He stated that the exemption/inclusion rules should be the same for all LEP students, regardless of their native language. Mr. Garcia is in favor of developing Spanish versions of TAAS for Grades 7 and 8 because he feels that it is important for students who enter the Texas school system in middle school to be tested. He stated that by testing these students, the state would have more information about how to best meet the needs of the LEP students in Grades 7 and 8.

Representative Kent Grusendorf focused on the need to restrict exemptions and move toward measuring all students. He stated that because the LEP population in Texas schools is composed primarily of Spanish-speaking students, it is appropriate to develop TAAS in Spanish. However, he stated that Texas should not develop tests in additional languages. Mr. Grusendorf said that it would not be appropriate to give Spanish TAAS to students in Grades 7 and 8 who have already been in the school system for two or three years. He maintained that this is an issue of concern, though, for immigrant students who enter the school system at the upper grades.

Irma Hinojosa, President of the Texas Association for Bilingual Education (TABE), stated that the RPTE was long overdue. She said that she believes that it will drive curriculum and instruction and will aid in determining when a LEP student is ready to take TAAS in English. She expressed her views on the one-year exemption policy and stated that it might be appropriate for students who enter the school system in pre-kindergarten or kindergarten, but should be examined carefully for those students who enter school in Grades 2 and above. Ms. Hinojosa maintained that Spanish TAAS should not be developed for students in Grades 7 and 8 because these students need to be preparing for the exit level TAAS. Ms. Hinojosa expressed concern about the lack of resources and funding available to bilingual programs.

Al Kauffman, from the Mexican American Legal Defense and Educational Fund (MALDEF), said that the RPTE should be only one of the indicators used to determine whether a student should take TAAS in English or Spanish. He felt that the RPTE should not be part of the accountability system. Mr. Kauffman maintained that there should be no minimum or maximum number of years set by the state regarding the length of time that students should receive instruction and assessment in their native language. He added that some students would need only a few years while other students would need many years. Mr. Kauffman said that MALDEF supports the development of Spanish TAAS in Grades 7 and 8 because there will be students in those grades who will be better able to demonstrate their abilities in Spanish. Mr. Kauffman also expressed concern for all Spanish-speaking students who come to the U.S. at the secondary level.

René Lara, Co-chair of the Education Committee for the Texas League of United Latin American Citizens (LULAC), said that the RPTE will be valuable to school districts because it will provide useful information about how successful the districts' programs are. TAAS, not the RPTE, should be used in the accountability system. Mr. Lara said that qualified teachers and LPAC committees should determine if a student is ready for TAAS in English. For students whose native language is Spanish and who are not recent unschooled immigrants, there should be no LEP exemptions from TAAS; these students should take TAAS in either Spanish or English. Mr. Lara stated that students who are recent unschooled immigrants should be allowed up to three years in the school system before having to take TAAS. Mr. Lara stated that Spanish TAAS should be developed for Grades 7 and 8 because there should be an assessment for those students who enter school at the upper grades. Mr. Lara said that the most critical issue for LEP students currently is the need for qualified bilingual teachers.

Darla Marburger, Senate Education Committee staff member, said that the RPTE would be a good objective indicator of a student's readiness for TAAS in English. Ms. Marburger said that there should be a limit on the number of years that a LEP student can be exempted from TAAS and that three years is adequate time for a student to be ready for TAAS in English. She suggested that the policy for Spanish-speaking students and students with a primary language other than Spanish should be the same when making decisions about whether a student is ready to take TAAS in English. Ms. Marburger maintained that one problem with having Spanish TAAS at Grades 7 and 8 is that bilingual classes are not mandated at those grades.

Geraldine Miller, member of the Texas State Board of Education, communicated that the RPTE is a good measure and that it should be the indicator used when deciding if a LEP student will take TAAS or be exempted. However, she stressed that there are no easy answers to the question of how best to determine the criteria for exemption or inclusion. Ms. Miller felt that since the RPTE is in place, there is no need to develop Spanish TAAS for Grades 7 and 8. She maintained that doing so would put students at a disadvantage and that districts need to use all the resources available in the elementary grades to get students proficient in English as soon as possible. Ms. Miller also maintained that the issue of bilingual education versus immersion has never been resolved and should be a matter of local decision.

Monty Winn, House Public Education Committee staff member, addressed the issue of number of students that might need Spanish TAAS at Grades 7 and 8. He said that if most LEP students enter school at the early elementary grades, there may not be a great need for expanding the system. However, he said that he could see the value of having Spanish TAAS at Grades 7 and 8 for those students who might benefit from it. He emphasized the importance of doing a benefit-cost analysis so that some objective information could be used when deciding how to best use state resources for the benefit of its students.

Appendix E: Spring 2000 RPTE Test Results

Reading Proficiency Tests in English (RPTE)

Spring 2000 Statewide Test Results

All Students

GRADE LEVEL	NUMBER OF STUDENTS TESTED	PROFICIENCY RATING		
		BEGINNING	INTERMEDIATE	ADVANCED*
		Percent of Students at Each Proficiency Rating		
Grade 3	60,222	26	24	50
Grade 4	44,893	23	26	51
Grade 5	36,997	18	21	61
Grade 6	31,066	24	22	54
Grade 7	25,370	24	20	56
Grade 8	22,163	20	16	63
Grade 9	25,213	33	25	42
Grade 10	14,461	17	21	62
Grade 11	7,709	15	23	63
Grade 12	4,363	11	21	67

* = demonstrated English reading proficiency on this test

Reading Proficiency Tests in English (RPTE)

Spring 2000 Statewide Test Results

Performance Shown by Years of Enrollment in U.S. Schools

GRADE LEVEL	YEARS ENROLLED IN U.S. SCHOOLS	NUMBER OF STUDENTS TESTED	PROFICIENCY RATING		
			BEGINNING	INTERMEDIATE	ADVANCED
			Percent of Students at Each Proficiency Rating		
Grade 3	One semester or less	817	79	10	11
	One year	3,023	70	14	17
	Two years	3,596	41	22	36
	Three years	12,251	22	25	53
	Four or more years	37,410	22	25	54
	No information provided	3,125	24	25	52
Grade 4	One semester or less	720	77	9	14
	One year	2,575	68	15	17
	Two years	2,826	41	25	35
	Three years	2,847	23	26	51
	Four or more years	34,226	17	27	56
	No information provided	1,699	22	27	50
Grade 5	One semester or less	718	75	12	13
	One year	2,414	62	18	20
	Two years	2,469	33	24	43
	Three years	2,101	17	26	57
	Four or more years	27,941	11	21	68
	No information provided	1,354	18	21	62
Grade 6	One semester or less	770	75	9	16
	One year	2,373	66	15	19
	Two years	2,143	41	23	36
	Three years	1,956	23	26	51
	Four or more years	22,071	16	23	62
	No information provided	1,753	23	24	52
Grade 7	One semester or less	817	75	12	14
	One year	2,498	67	14	19
	Two years	2,030	39	22	40
	Three years	1,880	21	24	55
	Four or more years	16,630	13	21	66
	No information provided	1,515	23	21	56
Grade 8	One semester or less	787	69	12	19
	One year	2,114	59	16	25
	Two years	2,274	37	21	42
	Three years	1,727	17	21	62
	Four or more years	14,094	10	15	75
	No information provided	1,167	18	18	64
Grade 9	One semester or less	1,778	68	17	15
	One year	3,815	63	18	18
	Two years	2,582	47	24	29
	Three years	2,002	32	29	40
	Four or more years	12,807	17	27	56
	No information provided	2,129	29	23	47
Grade 10	One semester or less	381	51	22	27
	One year	1,209	43	20	37
	Two years	1,797	27	26	48
	Three years	1,470	21	24	54
	Four or more years	8,518	10	19	71
	No information provided	1,086	15	19	66
Grade 11	One semester or less	188	23	19	59
	One year	515	21	20	59
	Two years	770	22	26	51
	Three years	1,131	21	29	51
	Four or more years	4,462	12	21	68
	No information provided	643	11	22	67
Grade 12	One semester or less	27	15	22	63
	One year	122	11	19	70
	Two years	236	11	22	67
	Three years	383	14	26	60
	Four or more years	3,184	11	21	67
	No information provided	411	10	18	72

Appendix F: Costs of TAAS Tests for School Year 2000–2001

Test Administration	Number Documents Scanned 1999-2000	2000-2001 Cost	Per Test Cost	Subjects Tested
Exit				
March Exit	317,352	$4,651,579	$14.66	R,W,M
May 3-8				
Grade 3	290,797	$1,420,920	$4.89	R,M
Grade 4	301,005	$3,046,852	$10.12	R,W,M
Grade 5	297,757	$1,143,838	$3.84	R,M
Grade 6	301,994	$1,143,838	$3.79	R,M
Grade 7	304,734	$1,143,838	$3.75	R,M
Grade 8	305,039	$4,190,690	$13.74	R,W,M,Sci,SS
End-of-Course				
May Algebra	300,240	$1,241,693	$4.14	Algebra
May Biology	254,132	$1,241,693	$4.89	Biology
May U.S. History	200,608	$1,241,693	$6.19	History
May English II	233,146	$4,310,987	$18.49	English
Spanish				
Grade 3	21,890	$335,816	$15.34	R,M
Grade 4	13,886	$552,106	$39.76	R,W,M
Grade 5	6,714	$201,490	$30.01	R,M
Grade 6	1,533	$201,490	$131.44	R,M
TOTAL	**3,150,827**	**$26,068,523**	**$8.27**	

Appendix G: TAAS Participation Data for Spanish-Speaking LEP Students

TAAS PARTICIPATION OF SPANISH-SPEAKING LEP STUDENTS IN BILINGUAL OR ESL PROGRAMS

TESTED IN ENGLISH, SPANISH, LEP-EXEMPT, ARD-EXEMPT, ABSENT, OTHER

(Including Year-Round Education Results)

Spring 2000

Includes Students Taking the Spanish Version Test at Grades 3, 4, 5, and 6

(Percentages are based on total number of answer documents submitted)

HISPANIC LEP STUDENTS IN BILINGUAL OR ESL PROGRAMS	TOTAL ANSWER DOCUMENTS ENG/SPN	NOT TESTED IN ALL TESTS								TOTAL TESTED ENGLISH	Tested / Total AD	TOTAL TESTED SPANISH	Tested / Total AD	TOTAL TESTED ENG/SPN	Tested / Total AD
		ABSENT	Absent / Total AD	ARD-EXEMPT	ARD-Exempt/ Total AD	LEP-EXEMPT	LEP-Exempt/ Total AD	OTHER NOT TESTED	Other Not Test/ Total AD						
Grade 3	51,025	175	0.3%	2,998	5.9%	3,864	7.6%	171	0.3%	24,973	48.9%	18,844	36.9%	43,817	85.9%
Grade 4	42,263	8	0.0%	3,212	7.6%	2,699	6.4%	1,317	3.1%	22,974	54.4%	12,053	28.5%	35,027	82.9%
Grade 5	33,044	114	0.3%	3,913	11.8%	3,127	9.5%	368	1.1%	20,118	60.9%	5,404	16.4%	25,522	77.2%
Grade 6	26,793	151	0.6%	3,019	11.3%	3,286	12.3%	238	0.9%	18,900	70.5%	1,199	4.5%	20,099	75.0%
Grade 7	21,830	214	1.0%	2,430	11.1%	4,647	21.3%	89	0.4%	14,450	66.2%	N/A	N/A	14,450	66.2%
Grade 8 *	18,886	35	0.2%	1,567	8.3%	3,708	19.6%	975	5.2%	12,601	66.7%	N/A	N/A	12,601	66.7%
Grades 3-8	**193,841**	**697**	**0.4%**	**17,139**	**8.8%**	**21,331**	**11.0%**	**3,158**	**1.6%**	**114,016**	**58.8%**	**37,500**	**19.3%**	**151,516**	**78.2%**
Grades 3-6	**153,125**	**448**	**0.3%**	**13,142**	**8.6%**	**12,976**	**8.5%**	**2,094**	**1.4%**	**86,965**	**56.8%**	**37,500**	**24.5%**	**124,465**	**81.3%**

*Grade 8 includes science and social studies data.

Note: Students included are those whom districts identified as Hispanic and participating in a bilingual or ESL program. Spanish-speaking LEP students not identified as participating in one of these programs are not included.

SPRING 2000 TAAS PARTICIPATION OF SPANISH-SPEAKING LEP STUDENTS IN BILINGUAL PROGRAMS

HISPANIC LEP STUDENTS IN BILINGUAL PROGRAMS	TOTAL ANS. DOCS ENG/SPN	NOT TESTED IN ALL TESTS: ABSENT	Absent / Ans. Doc	ARD-EXEMPT	ARD-Exempt/ Ans. Doc	LEP-EXEMPT	LEP-Exempt/ Ans. Doc	OTHER NOT TESTED	Other Not Test/ Ans. Doc	TOTAL TESTED ENGLISH	Tested / Total AD	TOTAL TESTED SPANISH	Tested / Total AD
Grade 3	39,106	125	0.3%	2,092	5.3%	2,515	6.4%	140	0.4%	15,497	39.6%	18,737	47.9%
Grade 4	29,558	6	0.0%	2,213	7.5%	1,563	5.3%	935	3.2%	12,962	43.9%	11,879	40.2%
Grade 5	21,167	73	0.3%	2,622	12.4%	1,682	7.9%	303	1.4%	11,184	52.8%	5,303	25.1%
Grade 6	4,307	19	0.4%	465	10.8%	441	10.2%	44	1.0%	2,736	63.5%	602	14.0%
Grade 7	445	4	0.9%	74	16.6%	127	28.5%	1	0.2%	239	53.7%	N/A	N/A
Grade 8 *	235	2	0.9%	21	8.9%	72	30.6%	23	9.8%	117	49.8%	N/A	N/A
Grades 3-8	**94,818**	**229**	**0.2%**	**7,487**	**7.9%**	**6,400**	**6.7%**	**1,446**	**1.5%**	**42,735**	**45.1%**	**36,521**	**38.5%**
Grades 3-6	**94,138**	**223**	**0.2%**	**7,392**	**7.9%**	**6,201**	**6.6%**	**1,422**	**1.5%**	**42,379**	**45.0%**	**36,521**	**38.8%**

*Grade 8 includes science and social studies data.

BEST COPY AVAILABLE

SPRING 2000 TAAS PARTICIPATION OF SPANISH-SPEAKING LEP STUDENTS IN ESL PROGRAMS

HISPANIC LEP STUDENTS IN ESL PROGRAMS	TOTAL ANS DOC ENG/SPN	NOT TESTED IN ALL TESTS								TOTAL TESTED ENGLISH	Tested/ Total AD	TOTAL TESTED SPANISH	Tested/ Total AD
		ABSENT	Absent/ Total AD	ARD-EXEMPT	ARD-Exempt/ Total AD	LEP-EXEMPT	LEP-Exempt/ Total AD	OTHERS	Other Not Test/ Total AD				
Grade 3	11,919	50	0.4%	906	7.6%	1,349	11.3%	31	0.3%	9,476	79.5%	107	0.9%
Grade 4	12,705	2	0.0%	999	7.9%	1,136	8.9%	382	3.0%	10,012	78.8%	174	1.4%
Grade 5	11,877	41	0.3%	1,291	10.9%	1,445	12.2%	65	0.5%	8,934	75.2%	101	0.9%
Grade 6	22,486	132	0.6%	2,554	11.4%	2,845	12.7%	194	0.9%	16,164	71.9%	597	2.7%
Grade 7	21,385	210	1.0%	2,356	11.0%	4,520	21.1%	88	0.4%	14,211	66.5%	N/A	N/A
Grade 8*	18,651	33	0.2%	1,546	8.3%	3,636	19.5%	952	5.1%	12,484	66.9%	N/A	N/A
Grades 3 - 8	**99,023**	**468**	**0.5%**	**9,652**	**9.7%**	**14,931**	**15.1%**	**1,712**	**1.7%**	**71,281**	**72.0%**	**979**	**1.0%**
Grades 3 - 6	**58,987**	**225**	**0.4%**	**5,750**	**9.7%**	**6,775**	**11.5%**	**672**	**1.1%**	**44,586**	**75.6%**	**979**	**1.7%**

*Grade 8 includes science and social studies data.

Appendix H: TAAS Participation Data for LEP Students Whose Primary Language Is Other than Spanish

TAAS PARTICIPATION OF LEP STUDENTS IN BILINGUAL OR ESL PROGRAMS WHOSE PRIMARY LANGUAGE IS OTHER THAN SPANISH

TESTED IN ENGLISH, LEP-EXEMPT, ARD-EXEMPT, ABSENT, OTHER
(Including Year-Round Education Results)

Spring 2000

(Percentages are based on total number of answer documents submitted)

NON-HISPANIC LEP STUDENTS IN BILINGUAL OR ESL PROGRAMS	TOTAL ANSWER DOCUMENTS BIL/ESL	NOT TESTED IN ALL TESTS								TOTAL TESTED ENGLISH	Tested / Total AD
		ABSENT	Absent / Total AD	ARD-EXEMPT	ARD-Exempt/ Total AD	LEP-EXEMPT	LEP-Exempt/ Total AD	OTHER NOT TESTED	Other Not Test/ Total AD		
Grade 3	3,160	11	0.3%	158	5.0%	834	26.4%	8	0.3%	2,149	68.0%
Grade 4	2,517	2	0.1%	105	4.2%	652	25.9%	165	6.6%	1,593	63.3%
Grade 5	2,192	8	0.4%	182	8.3%	693	31.6%	2	0.1%	1,307	59.6%
Grade 6	1,745	7	0.4%	123	7.0%	621	35.6%	2	0.1%	992	56.8%
Grade 7	1,317	2	0.2%	65	4.9%	595	45.2%	4	0.3%	651	49.4%
Grade 8 *	1,331	1	0.1%	40	3.0%	520	39.1%	89	6.7%	681	51.2%
Grades 3-8	**12,262**	**31**	**0.3%**	**673**	**5.5%**	**3,915**	**31.9%**	**270**	**2.2%**	**7,373**	**60.1%**

*Grade 8 includes science and social studies data.

Note: Students included are those whom districts identified as having an ethnicity other than Hispanic and participating in a bilingual or ESL program. Students not identified as participating in one of these programs are not included.

TAAS PARTICIPATION OF LEP STUDENTS IN BILINGUAL PROGRAMS WHOSE PRIMARY LANGUAGE IS OTHER THAN SPANISH
Spring 2000

NON-HISPANIC LEP STUDENTS IN BILINGUAL PROGRAMS	TOTAL ANS. DOCS. BILINGUAL	NOT TESTED IN ALL TESTS								TOTAL TESTED ENGLISH	Tested / Total AD
		ABSENT	Absent / Ans. Doc	ARD-EXEMPT	ARD-Exempt/ Ans. Doc	LEP-EXEMPT	LEP-Exempt/ Ans. Doc	OTHER NOT TESTED	Other Not Test/ Ans. Doc		
Grade 3	149	0	0.0%	4	2.7%	27	18.1%	0	0.0%	118	79.2%
Grade 4	116	0	0.0%	4	3.4%	12	10.3%	13	11.2%	87	75.0%
Grade 5	115	0	0.0%	18	15.7%	23	20.0%	0	0.0%	74	64.3%
Grade 6	28	0	0.0%	5	17.9%	8	28.6%	0	0.0%	15	53.6%
Grade 7	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Grade 8 *	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Grades 3-8	**411**	**0**	**0.0%**	**31**	**7.5%**	**70**	**17.0%**	**13**	**3.2%**	**297**	**72.3%**

*Grade 8 includes science and social studies data.

BEST COPY AVAILABLE

TAAS PARTICIPATION OF LEP STUDENTS IN ESL PROGRAMS
WHOSE PRIMARY LANGUAGE IS OTHER THAN SPANISH
Spring 2000

NON-HISPANIC LEP STUDENTS IN ESL PROGRAMS	TOTAL ANS DOCS -- ESL	NOT TESTED IN ALL TESTS								TOTAL TESTED ENGLISH	Tested/ Total AD
		ABSENT	Absent/ Total AD	ARD-EXEMPT	ARD-Exempt/ Total AD	LEP-EXEMPT	LEP-Exempt/ Total AD	OTHERS	Other Not Test/ Total AD		
Grade 3	3,011	11	0.4%	154	5.1%	807	26.8%	8	0.3%	2,031	67.5%
Grade 4	2,401	2	0.1%	101	4.2%	640	26.7%	152	6.3%	1,506	62.7%
Grade 5	2,077	8	0.4%	164	7.9%	670	32.3%	2	0.1%	1,233	59.4%
Grade 6	1,717	7	0.4%	118	6.9%	613	35.7%	2	0.1%	977	56.9%
Grade 7	1,315	2	0.2%	65	4.9%	595	45.2%	4	0.3%	649	49.4%
Grade 8*	1,330	1	0.1%	40	3.0%	520	39.1%	89	6.7%	680	51.1%
Grades 3 - 8	**11,851**	**31**	**0.3%**	**642**	**5.4%**	**3,845**	**32.4%**	**257**	**2.2%**	**7,076**	**59.7%**

*Grade 8 includes science and social studies data.

BEST COPY AVAILABLE

Appendix I: Position Papers

During the course of this study, three groups came forward with special interest and effort and submitted position papers. The position papers were included in their entirety in the final report that BETA presented to TEA. For the purposes of this report to the 77th Texas Legislature, the position papers have been summarized below.

A number of bilingual directors from the state met at the Special Interest Group Session for Bilingual Directors at the October 2000 Texas Association for Bilingual Education (TABE) Conference. This group strongly supports accountability and maintains that LEP students should have equal access to mandated testing, when appropriate, in order to make sure that school districts are accountable for the achievement of these students. These TABE bilingual directors support exemptions from TAAS for immigrant students with less than three years of schooling in the United States who were also unschooled in their home country and for students for whom an assessment is not available in their primary language. The bilingual directors oppose the law that LEP students who are recent immigrants must take TAAS after only one year of instruction in U.S. schools, stating that research shows that it takes two to five years to acquire a social language and up to seven years to acquire an academic language. The bilingual directors oppose exemptions when the assessment is available in the language of the LEP student and for nonimmigrant students. The bilingual directors oppose the development of Spanish TAAS at Grades 7 and 8 because students are not receiving bilingual education at these grades. For recent immigrant students at the secondary level, the bilingual directors believe that multiple postponements of the exit level TAAS should be allowed within a 12-month period. The group supports and advocates the use of the RPTE as a means of measuring reading growth for LEP students. It believes that the RPTE should be used for reporting and instructional purposes but should not be used as an accountability indicator on AEIS.

The position paper submitted by the Region 19 bilingual directors lists concerns regarding the testing of LEP students and offers possible solutions for consideration. Region 19 is concerned that the assessment system does not provide appropriate testing of LEP students in Grades 7–12 who may be receiving instruction in a language other than English. Region 19 is also concerned that there is not enough emphasis placed on the development of materials to prepare LEP students for assessment. Region 19 sees inconsistencies in the guidelines that help LPAC committees determine the language of testing for students in bilingual/immersion programs. Possible solutions offered include a suggestion that the state develop Spanish versions of TAAS for students in Grades 7 and 8 so that there will be an appropriate assessment for Spanish-speaking students entering school in those grades. Region 19 also suggests that the state allocate more funding toward the development of materials needed for instructing LEP students in Spanish and provide appropriate training for teachers so that they will be better able to prepare students for Spanish TAAS. Region 19 would like guidance given to LPAC committees so that there is consistency in the way LPACs across the state determine the language in which the LEP student will take TAAS. Additionally, Region 19 suggests that alternatives be discussed to help LEP students who first enter U.S. schools at the secondary level meet graduation requirements. Overall, Region 19 maintains that there is a great need for more advocacy at the state level for LEP students and urges the state to ensure that collaboration and communication exist between state, district, and ESC entities responsible for the assessment and accountability of LEP students.

Richardson Independent School District (RISD), a district unique in that LEP students speaking 68 different languages are enrolled in its schools, acknowledges the need for rigorous accountability for academic achievement for all LEP students. However, RISD opposes the assessment of LEP students with the TAAS after only one year of instruction in the U.S. and opposes including the

results in the accountability system. RISD maintains that the new exemption law disregards current research on second-language acquisition and has the potential for negative impact on LEP students. RISD advocates using the RPTE as a means of measuring language development for recent immigrant LEP students, believing that the RPTE will more accurately gauge reading proficiency than the TAAS test. RISD suggests that these LEP students take the RPTE and be exempt from TAAS for up to three years. RISD suggests that RPTE results be reported by TEA through the accountability system but not be included as a factor in school ratings. RISD supports the use of the Spanish TAAS for students receiving bilingual education but does not support the development of Spanish TAAS for students in Grades 7 and 8. Because its bilingual programs do not include the upper grades, RISD believes the usefulness of Spanish TAAS at Grades 7 and 8 would be limited.

COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a nonsegregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

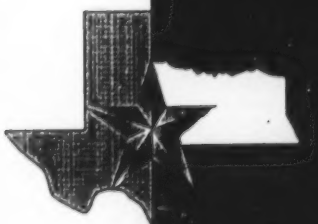
In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 11375; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1986; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.

The Texas Education Agency shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity/Affirmative Action employer.



Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

AD01 212 01
December 1, 2000

BEST COPY AVAILABLE